

SUMMONS
(CITACION JUDICIAL)

15 SEP 23 PM 4: 47

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

Superior Court Of California
County Of Riverside
09/22/2015
A.RANGEL
BY FAX

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

City of Moreno Valley, a municipality;
(Additional Parties Attachment form is attached)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Laborers International Union of North America, Local Union No. 1184,
an organized labor union

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER.
(Número del Caso)

RIC1511279

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Richard Drury/ Michael Lozeau, Lozeau Drury LLP, 410 12th St., Ste 250, Oakland, CA 94607, 510-836-4200

DATE: ~~SEP 21 2015~~
(Fecha)

9/22/15

Clerk, by
(Secretario)

A. RANGEL

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010))

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

- 3. on behalf of (specify):

CITY OF MORENO VALLEY, A MUNICIPALITY

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)

- 4. other (specify):

public entity cap 416.50

- by personal delivery on (date):

9-23-15

[SEAL]



SHORT TITLE:

Laborers Int'l Union of No. America v. City of Moreno Valley, et al

CASE NUMBER:

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff Defendant Cross-Complainant Cross-Defendant

City Council of the City of Moreno Valley; HIGHLAND FAIRVIEW; HF PROPERTIES, a California general partnership; SUNNYMEAD PROPERTIES, a Delaware general partnership; THEODORE PROPERTIES PARTNERS, a Delaware general partnership; 13451 THEODORE LLC, a California limited liability company; HL PROPERTY PARTNERS, a Delaware general partnership; HIGHLAND FAIRVIEW OPERATING CO., a general partnership; HIGHLAND FAIRVIEW PROPERTIES, a California limited liability company; HIGHLAND FAIRVIEW COMMUNITIES, a Delaware limited liability company; HIGHLAND FAIRVIEW CONSTRUCTION, INC., a California corporation; HIGHLAND FAIREVIEW CORPORATE PARK ASSOCIATION, a California corporation.

Page _____ of _____

Page 1 of 1

CITY CLERK
MORENO VALLEY
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15 SEP 23 PM 4: 49

FILED

Superior Court Of California
County Of Riverside
09/22/2015
**A.RANGEL
BY FAX**

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Attorneys for Petitioner and Plaintiff

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

10 LABORERS INTERNATIONAL UNION OF
11 NORTH AMERICA, LOCAL UNION NO.
12 1184, an organized labor union,

Petitioner and Plaintiff,

v.

14 CITY OF MORENO VALLEY, a
15 municipality; and CITY COUNCIL OF THE
16 CITY OF MORENO VALLEY,

Respondents and Defendants;

Case No.: **RIC1511279**

VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

(California Environmental Quality Act
("CEQA"), Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure §§ 1094.5, 1085)

Dept: CEQA Case

18 HIGHLAND FAIRVIEW, HF PROPERTIES,
19 a California general partnership,
20 SUNNYMEAD PROPERTIES, a Delaware
21 general partnership; THEODORE
22 PROPERTIES PARTNERS, a Delaware
23 general partnership; 13451 THEODORE LLC,
24 a California limited liability company; HL
25 PROPERTY PARTNERS, a Delaware general
26 partnership; HIGHLAND FAIRVIEW
27 OPERATING CO., a general partnership,
28 HIGHLAND FAIRVIEW PROPERTIES, a
California limited liability company;
HIGHLAND FAIRVIEW COMMUNITIES, a
Delaware limited liability company;
HIGHLAND FAIRVIEW CONSTRUCTION,
INC., a California corporation; HIGHLAND
FAIREVIEW CORPORATE PARK
ASSOCIATION, a California corporation,

1

Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief

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Real Parties in Interest and
Defendants.

Petitioner and Plaintiff Laborers International Union of North America, Local Union No. 1184 (hereinafter "Petitioner," or "LIUNA,") petitions this Court for a writ of mandate directed to Respondents and Defendants City of Moreno Valley and City Council of the City of Moreno Valley (collectively "Respondents," or "City,") and by this verified petition and complaint, allege as follows:

1. Petitioner brings this action to challenge the unlawful actions of Respondents in approving Resolution No. 2015-56 certifying the Final Environmental Impact Report ("Final EIR,") adopting the Findings and Statement of Overriding Considerations and approving the mitigation monitoring program for the World Logistics Center (WLC) Specific Plan (the "Project,") approving the World Logistics Center Specific Plan (Ordinance No. 900), General Plan Amendment (GPA), (Resolution No. 2015-57), Zone Change (Ordinance No. 900), Approval of the Development Agreement (Ordinance No. 901), Tentative Parcel Map (Resolution No. 2015-58), and approval of the Annexation for an 85-acre parcel (Resolution No. 2015-59), allowing development of the Project. These actions were taken by Respondents in violation of the requirements of the California Environmental Quality Act ("CEQA,") Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 *et seq.*

2. The Project is a proposed industrial park of up to 40.4 million square feet of "high-cube logistics," warehouse distribution uses and 200,000 square feet of warehousing-related uses on 2,610 acres in the City of Moreno Valley, in Riverside County, California.

3. Respondents prepared and relied on an EIR that falls well below CEQA's minimum standards. The EIR is deficient in its discussion and analysis of the Project's significant impacts on greenhouse gas ("GHG,") emissions, traffic impacts, operational air pollution, construction pollution, biological impacts and urban decay. The EIR also impermissibly fails to address significant new information in its cumulative impacts analysis with respect to the proposed Moreno Valley Logistics Center ("MVLC,") Project, another large warehouse and distribution facility proposed to be located in Moreno Valley. These and other violations of CEQA were carefully documented during administrative proceedings on the Project, but were never rectified by the City.

1 4. According to Respondents' EIR, the Project is expected to emit approximately
2 386,000 metric tons of carbon dioxide equivalents ("CO₂e,") per year (with mitigation). This
3 represents nearly half of the targeted annual GHG emissions for the entire City by the year 2020.
4 Nonetheless, the EIR finds that the GHG emissions for the project will be below the 10,000 metric
5 tons, the applicable threshold of significance. The EIR reaches this conclusion by ignoring 98% of
6 emissions because they are allegedly included in the AB 32 Cap and Trade Program. Moreover, the
7 FEIR adopts discretionary and unenforceable mitigation measures and fails to adopt other feasible
8 mitigation measures.

9 5. Similarly, the EIR's traffic impacts assessment fails to consider all traffic impacts. The
10 EIR also relies on deferred mitigation measures that depend on actions by other agencies without any
11 agreements in place to ensure such actions.

12 6. The EIR's conclusions regarding air pollution impacts are not supported by the record.
13 According to the EIR, mitigation measures requiring all diesel trucks accessing the project to use new
14 technology diesel exhaust (NTDE) are sufficient to result in a less than significant environmental
15 impact. First, the EIR fails to demonstrate the feasibility of constraining all trucks entering the project
16 site to those using NTDE. Even if it were feasible, the conclusion that NTDE does not cause cancer is
17 based on misinterpretation of a single recent study that is contrary to CARB's and OEHHA's official
18 findings that diesel particulate matter is a known human carcinogen.

19 7. The EIR fails to adequately consider cumulative impacts on air pollution, biological
20 resources, and traffic because it failed to consider all similar new and proposed projects in Moreno
21 Valley. Cumulative impacts associated with recent proposed warehousing facility, MVLC, were not
22 considered despite LIUNA's comments. Moreover, the EIR relied on improper and unscientific
23 methodologies for assessing biological impacts on sensitive species, such as the burrowing owls and
24 the Los Angeles pocket mouse, and completely failed to assess urban decay impacts.

25 8. Respondents prejudicially abused their discretion in certifying the EIR and approving
26 the Project. Accordingly, Respondents' approval of the Project and certification of the Final EIR
27 must be set aside.

PARTIES

1
2 9. Petitioner LIUNA is a labor organization representing thousands of employees who
3 are residents of Riverside County. LIUNA Local Union No. 1184 has numerous members residing
4 and working in and around the City of Moreno Valley and Riverside County. LIUNA Local Union
5 No. 1184's purposes include, but are not limited to, advocating on behalf of its members to ensure
6 safe workplace environments; working to protect recreational opportunities for its members to
7 improve its members quality of life when off the job; advocating to assure its members access to safe,
8 healthful, productive, and aesthetically and culturally pleasing surroundings on and off the job;
9 promoting environmentally sustainable businesses and development projects on behalf of its
10 members, including providing comments raising environmental concerns and benefits on proposed
11 development projects; advocating for changes to proposed development projects that will help to
12 achieve a balance between employment, the human population, and resource use which will permit
13 high standards of living and a wide sharing of life's amenities by its members as well as the general
14 public; advocating for steps to preserve important historic, cultural, and natural aspects of our
15 national heritage, and maintain, wherever possible, an environment which supports diversity and
16 variety of individual choice; and advocating on behalf of its members for programs, policies, and
17 development projects that promote not only good jobs but also a healthy natural environment and
18 working environment, including but not limited to advocating for changes to proposed projects and
19 policies that, if adopted, would reduce air, soil and water pollution, minimize harm to wildlife,
20 conserve wild places, reduce traffic congestion, reduce global warming impacts, and assure
21 compliance with applicable land use ordinances; and working to attain the widest range of beneficial
22 uses of the environment without degradation, risk to health or safety or other undesirable and
23 unintended consequences.

24 10. LIUNA Local Union No. 1184 and its members in Riverside County have several
25 distinct legally cognizable interests in this project. LIUNA Local Union No. 1184 members live,
26 work and recreate in Riverside County. LIUNA Local Union No. 1184 members may also be exposed
27 to construction and operational hazards from air pollution emissions that have not been adequately
28 analyzed or mitigated. The interests of LIUNA Local Union No. 1184 members are unique and will

1 be directly impacted by the project. Petitioner brings this action on behalf of itself, its members, and
2 the public interest.

3 11. LIUNA and its members have a direct and beneficial interest in Respondents'
4 compliance with laws bearing upon approval of the Project. These interests will be directly and
5 adversely affected by the Project, which violates provisions of law as set forth in this Petition and
6 would cause substantial harm to the natural environment and the quality of life in the surrounding
7 community. The maintenance and prosecution of this action will confer a substantial benefit on the
8 public by protecting the public from the environmental and other harms alleged herein. LIUNA and
9 its members actively participated in meetings hosted by the City leading up to the proposal and
10 adoption of the Project and Final EIR. LIUNA and its members submitted comments to Respondents
11 objecting to and commenting on the Project and the EIR.

12 12. Respondent City of Moreno Valley is the "lead agency,, for the Project for purposes of
13 Public Resources Code § 21067, and has principal responsibility for conducting environmental
14 review for the Project and taking other actions necessary to comply with CEQA.

15 13. Respondent City Council of Moreno Valley is the governing body of the City and is
16 ultimately responsible for reviewing and approving or denying the Project. The City Council and its
17 members are sued here in their official capacities.

18 14. On August 26, 2015, the City filed a Notice of Determination for the Project. The
19 August 26 Notice of Determination identifies "Highland Fairview,, as the applicant for the Project
20 and the only real party in interest pursuant to Public Resources Code § 21167.6.5.

21 15. Petitioner is informed and believes and thereupon alleges that one or more of the
22 following entities may comprise, in whole or in part, the "Highland Fairview,, identified in the Notice
23 of Determination and may have an interest in the Project: Highland Fairview, HF Properties, a
24 California general partnership, Sunnymead Properties, a Delaware general partnership; Theodore
25 Property Partners, a Delaware general partnership; 13451 Theodore LLC, a California limited
26 liability company; HL Property Partners, a Delaware general partnership; Highland Fairview
27 Operating Co., a general partnership, Highland Fairview Properties, a California limited liability
28 company; Highland Fairview Communities, a Delaware limited liability company; Highland Fairview

1 Construction, Inc., a California corporation; and Highland Fairview Corporate Park Association, a
2 California corporation.

3
4 **JURISDICTION AND VENUE AND CERTIFICATE OF COUNSEL AS TO PROPER**
5 **COURT BRANCH**

6 16. Pursuant to California Code of Civil Procedure section 1085 (alternatively section
7 1094.5) and Public Resources Code sections 21168.5 (alternatively section 21168) and 21168.9,
8 this Court has jurisdiction to issue a writ of mandate to set aside Respondents' decision to certify
9 the EIR and approve the Project. The Court has jurisdiction to issue declaratory relief pursuant to
10 Code of Civil Procedure § 1060 and injunctive relief pursuant to Code of Civil Procedure § 525 *et*
11 *seq.*

12 17. Venue is proper in this Court because this action challenges acts done by a public
13 agency, and the causes of action alleged in this Petition and Complaint arose in the County of
14 Riverside. Venue also is proper in this Court because the City is located in the County of Riverside.
15 Pursuant to Superior Court Local Rule 3115 and Section (f) the Court's Administrative Order dated
16 January 5, 2015, this case is filed in the Riverside Historic Courthouse, 4050 Main Street, Riverside,
17 California, 92501, because the decisions and project at issue occurred in the City of Moreno Valley.

18 18. Petitioner has complied with the requirements of Public Resources Code section
19 21167.5 by serving a written notice of Petitioner's intention to commence this action on Respondents
20 on February 25, 2015. A copy of the written notice and proof of service is attached hereto as Exhibit
21 A.

22 19. Petitioner has performed any and all conditions precedent to filing this instant action
23 and has exhausted any and all available administrative remedies to the extent required by law.

24 20. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law
25 unless this Court grants the requested writ of mandate to require Respondents to set aside their
26 certification of the EIR and approval of the Project. In the absence of such remedies, Respondents'
27 decision will remain in effect in violation of state law.

1
2 **STATEMENT OF FACTS**

3 **Project Background**

4 21. The Project site encompasses 3,818 acres of land located in Rancho Belago, the
5 eastern portion of the City of Moreno Valley, and is situated directly south of State Route 60 (SR-60)
6 with the Badlands area to the east and northeast, the Mount Russell Range to the southwest, and
7 Mystic Lake and the San Jacinto wildlife Area to the southeast. In addition to the Specific Plan area,
8 the Project site includes (1) 910 acres of the California Department of Fish and Wildlife (CDFW)
9 Conservation Buffer area to the south, (2) 194 acres of Public Facilities Lands area, and (3) 104 acres
10 of Off-site Improvement Area.

11 22. The Specific Plan being evaluated in this EIR covers 2,610 acres and proposes a
12 maximum of 40.4 million square feet of “high-cube logistics,, warehouse distribution uses classified
13 as “Logistics Development,, (LD) and 200,000 square feet (approximately 0.5%) of warehousing-
14 related uses classified as “Light Logistics,, (LL). The lands within the WLC Specific Plan that are
15 designated LL are existing rural lots, some containing residential uses, that will become “legal, non-
16 conforming uses,, once the WLC Specific Plan is approved. In addition, the LD designation includes
17 land for two special use areas; a fire station and a “logistics support,, facility for vehicle fueling and
18 sale of convenience goods (3,000 square feet is assumed for planning purposes for the “logistics
19 support,,).

20 23. The Project site primarily consists of active farmland. Approximately 3,389 acres, or 89
21 percent of the project area, are designated as Farmland of Local Importance and approximately 25
22 acres are designated as Unique Farmland. The site is also scattered with seven residences.

23 24. The Final EIR states that the purpose of the proposed Project is to provide a new master-
24 planned facility specializing in logistics warehouse distribution services, and asserts that the
25 completed Project will achieve, among others, the following objectives: (1) providing a major
26 logistics center to accommodate a portion of the ever-expanding trade volumes at the Ports of Los
27 Angeles and Long Beach; (2) creating a major logistics center with good regional and freeway
28 access; (3) creating substantial employment opportunities for the citizens of Moreno Valley and

1 surrounding communities; and (4) providing the land use designation and infrastructure plan
2 necessary to meet current market demands and to support the City's Economic Development Action
3 Plan.

4 25. The EIR and Findings violate CEQA in a number of ways, including its analysis of GHG
5 emissions, failure to consider cumulative impacts of the MVLC project and other proposed logistics
6 centers with respect to GHG, air, biological, and traffic impacts, underestimating impacts from air
7 pollution, failure to analyze impacts from urban decay, and failure to adopt and/or make mandatory
8 all feasible mitigation measures for nitrogen oxides (NOx) and GHG emissions from the Project prior
9 to making a finding of overriding considerations,.

10 **Greenhouse Gas Emissions**

11 26. The Facts, Findings, and Statement of Overriding Considerations ("Findings,") estimates that
12 annual GHG emissions from operations at the Project site will be 386,000 metric tons of carbon
13 dioxide equivalents ("CO2e,") per year at buildout. This emissions figure is significant both by the
14 local air district's and the City of Moreno Valley's standards. The City of Moreno Valley generated
15 approximately 900,000 metric tons of CO2e in 2010. Thus, the Project site would increase city-wide
16 greenhouse gas emissions by at least 40%. The City has a stated goal of 798,693 total CO2e
17 emissions for the entire City by the year 2020. The WLC's estimated GHG emissions account for
18 nearly half of that goal.

19 27. The Project also exceeds by 37 times the quantitative GHG CEQA emissions threshold set by
20 South Coast Air Quality Management District ("SCAQMD,") of 10,000 metric tons for industrial
21 projects. The EIR makes the wholly unsupported conclusion that the Project's GHG emissions will be
22 below SCAQMD's threshold of significance, by determining that 98 percent of projected GHG
23 emissions do not require consideration because they are covered by the California Air Resources
24 Board (CARB) cap-and-trade program under California Assembly Bill 32 ("AB 32,"). On this basis,
25 the findings only consider the remaining 2 percent of GHG emissions in determining that the project
26 did not exceed SCAQMD's significance thresholds. The choice not to apply "capped," emissions to
27 the SCAQMD threshold conflicts with SCAQMD's policy objectives, Executive Order S-3-05,
28 CARB's 2014 Update to the Climate Change Scoping Plan, and conclusions reached by lead agencies

1 regarding recent similar projects of this scale and type in the SCAQMD. Moreover, the AB 32 cap
2 and trade program does not align with the time frame of the operational emissions from the Project
3 and is thus, irrelevant in the present circumstances. The cap and trade program is currently only set to
4 run through 2020, while the Project buildout is not projected to be completed until 2030. To depend
5 on the uncertain future of AB 32 constitutes deferred mitigation, which CEQA does not allow.

6 28. Petitioner's comments on the Findings pointed out Respondent's failure to demonstrate the
7 feasibility of proposed mitigation measures. The FEIR and the Findings provided no substantial
8 evidence to support its assumptions that (1) all construction equipment will meet United States
9 Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards; and (2) that all
10 trucks entering the Project site will have engines model year 2007 or later.

11 29. In addition, in its comments on the Draft EIR and Findings, Petitioner pointed out
12 Respondents' failure to impose feasible mitigation measures. The Findings require the installation of
13 solar panels with the capacity equal to the peak daily demand for the ancillary office uses in each
14 warehouse building. It would be feasible, however, to incorporate solar panel installations to meet the
15 electrical needs from all buildings or even surpass needs and offset emissions from other aspects of
16 operation. Such mitigation measures were never considered.

17 30. The EIR also fails to impose mitigation measures based on hybrid technologies. Master
18 Response-3 dismissed these measures as infeasible because these technologies are in testing phases
19 and not currently commercially available. However, the determination of infeasibility is not
20 supported by substantial evidence in the record, because hybrid trucks are already commercially
21 available in the United States.

22 31. For all these reasons, it is clear that the EIR must be revised to reanalyze the significance of
23 emissions and all feasible and enforceable mitigation measures.

24 **Air Quality Impacts**

25 32. The determination in the EIR that the project will not have significant air quality impacts is
26 not supported by substantial evidence in the record. According to the EIR, using the current
27 California Office of Environmental Health Hazard Assessment (OEHHA) methodology to assess
28 diesel exhaust, the project would result in a significant cancer risks; however, the EIR goes on to find

1 that mitigation measures requiring all diesel trucks accessing the Project to use new technology diesel
2 exhaust (NTDE) are sufficient to result in a less than significant environmental impact. This
3 conclusion is based on a single recent study, the Advanced Collaborative Emissions Study (ACES)
4 and ignores California Air Resources Board's (CARB) and OEHHA's official findings that diesel
5 particulate matter is a known human carcinogen. This single study does not amount to "substantial
6 evidence,, and may not be relied upon to ignore the methodology of regulatory agencies with
7 appropriate jurisdiction and years of studies finding the contrary. CARB agrees. Finding the FEIR's
8 reliance on the ACES study so patently deficient, CARB took the highly unusual step of filing a
9 formal comment letter criticizing the FEIR and requesting preparation of a supplemental EIR to
10 remedy the obvious defects.

11 33. Even if there were sufficient evidence to support the finding that NTDE presents no cancer
12 risk (which there is not), the EIR fails to demonstrate the feasibility of constraining all trucks entering
13 the project site to engines emitting NTDE. Consequently, the air quality impacts from the project are
14 significant and all feasible mitigation measures must be imposed. The EIR fails to impose all feasible
15 mitigation measures, as discussed in Paragraphs 31-33.

16 34. Because the City failed to properly assess the risk and consider all feasible mitigation
17 measures prior to the issuance of the Statement of Overriding Considerations, the statement is
18 invalid. A supplemental EIR is required to properly calculate and disclose this impact under
19 California law, using duly adopted California health risk assessment methodology .

20 **Significant New Information and Cumulative Impacts**

21 35. In the Draft EIR, the City explained it would rely solely on the summary-of-projections
22 method to analyze the Project's cumulative impacts. In response to LIUNA's comments questioning
23 the accuracy of this method, the City noted that it had failed to take into account three additional
24 projects in the area, but made no changes to its projections. (Final Programmatic EIR, Volume 1-
25 Response to Comments, 663).

26 36. Since the Draft EIR, a fourth new logistics center has been proposed. On June 17, 2015, the
27 City circulated for public comment a Draft EIR for the Moreno Valley Logistics Center (MVLIC), a
28 warehouse and distribution center comprised of four buildings totaling close to 2 million square feet

1 of floor space located in the southern portion of the City of Moreno. The MVLC project, along with
2 the WLC Project, will generate thousands of daily diesel truck trips to and from the city. The City's
3 NOP for the MVLC constitutes significant new information that was not acknowledged or addressed
4 in the WLC EIR with respect to impacts on agricultural resources, biological resources, traffic, or air
5 quality. Respondents, however certified the Final EIR for the Project without addressing this
6 significant new information. Consequently, the EIR's cumulative impact analyses are inadequate
7 because they did not take into account the environmental impacts of other past, present and
8 reasonably foreseeable projects in the Project's vicinity. CEQA mandates that the City address this
9 significant new information and recirculate the EIR.

10 **Traffic Impacts**

11 37. The traffic impacts of the WLC Project are immense, resulting in 68,721 vehicle trips a day at
12 project buildout. At buildout the Project will be the single largest trip generator in the City of Moreno
13 Valley. The EIR's assessment of traffic impacts and adopted mitigation measures are flawed and fail
14 to comply with CEQA's requirements to fully mitigation all of its direct traffic impacts. First, the EIR
15 does not identify a number of traffic impacts and fails to resolve concerns about the project's impacts
16 on the regional highway system.

17 38. The EIR also fails to ensure adequate mitigation by relying on deferred mitigation measures.
18 Both CalTrans and the Riverside County Transportation Commission submitted comments just days
19 before the August 19 hearing asserting that it was unacceptable to condition payment of fair share on
20 Caltrans adopting a contribution program and the City making a future finding that such program
21 exists and is consistent with the FEIR. Because CEQA prohibits deferred mitigation, the City must
22 enter into an agreement with the necessary agencies or provide other assurances to ensure the
23 implementation of this mitigation measure, but the City has failed to do so. Moreover, the EIR fails to
24 ensure adequate mitigation by conditioning occupancy permits on payment of fair share contributions
25 to mitigate traffic impacts, not on completion of the traffic improvements necessary to reduce
26 impacts to less than significant level. Thus, the Project improperly relies on fee-based mitigation
27 without defining mitigation measures or ensuring adequate measures will be implemented.

28 **Biological Resources**

1 39. The EIR does not adequately analyze or mitigate biological impacts of the Project alone and
2 cumulatively with other logistics centers in the city on sensitive species, such as the burrowing owls
3 and the Los Angeles pocket mouse. The surveys on biological impacts employed improper,
4 unscientific and biased methodologies that failed to accurately identify those species inhabiting the
5 Project site. Moreover, the EIR's conclusion that the Project will not restrict the movement of
6 wildlife or impact wildlife corridors is not supported by substantial evidence in the record. These
7 concerns were raised in comments by Petitioners and others and Respondent's responses were
8 inadequate and failed to provide a good-faith and reasoned analysis in response.

9 **Urban Decay**

10 40. The EIR failed to analyze urban decay impacts. The development of a 40 million square foot
11 warehouse space, together with increased traffic, noise, and pollution will likely result in impacts
12 such as depressed property values, relocation of people and businesses, resulting in a downward
13 spiral of urban blight. Yet, the EIR contained a mere two-sentence section on urban decay. This
14 discussion referenced another section of the EIR, but that section contained no substantive analysis of
15 urban decay whatsoever. CEQA requires the City to analyze the urban decay impacts of the Project
16 alone and cumulatively, taking into account new and proposed logistics centers, and propose feasible
17 mitigation measures.

18 41. The EIR is also inadequate due to failure to meaningfully respond to comments raising these
19 concerns. The Response to Petitioner's comment simply asserted that no urban decay impacts would
20 result, pointing to the incorporation of "architectural design standards,, and distinguishing the project
21 from a garbage dump or a prison. There is no indication that this conclusion was the product of any
22 research or supported by substantial evidence on the record.

23 **Project History, Environmental Review, and Approval**

24 42. Due to the nature and size of this Project, the City determined an EIR was necessary without
25 conducting an Initial Study. On February 21, 2012, the City issued a notice of preparation of an EIR,
26 with the public comment period running from February 25 to March 26, 2012. On March 12, 2012,
27 the City held a public meeting to consider comments regarding the scope of the EIR.

1 43. The Draft EIR was issued on February 4, 2013 and a 63-day public comment period ran from
2 February 5 to April 8, 2013. LIUNA submitted extensive written and oral comments on the Draft
3 EIR, identifying numerous inadequacies in the document. LIUNA's comments included but were not
4 limited to the following:

- 5 a. The Draft EIR failed to establish an accurate baseline for hazardous materials and
6 biological resources by failing to conduct and/or rely on adequate surveys and/or
7 assessments.
- 8 b. The Draft EIR failed to adequately mitigate significant construction and operational air
9 quality impacts and to adequately analyze and mitigate significant indirect source
10 pollution.
- 11 c. The Draft EIR failed to adequately analyze and mitigate the Project's impacts on
12 biological resources.
- 13 d. The Draft EIR failed to adequately analyze and mitigate the Project's construction and
14 operational GHG emissions.
- 15 e. The Draft EIR's entire cumulative impacts analyses were based on outdated and
16 inaccurate summary of projections and failed to adequately analyze and mitigate the
17 Project's cumulative impacts for the following topics: (1) agricultural resources, (2)
18 biological resources, and (3) air quality.

19 44. In May 2015, the City issued its Final EIR for the Project, which included responses to public
20 comments and circulated the FEIR for 45 days.

21 45. On June 10, 2015, LIUNA submitted comments expressing concerns over traffic impacts, air
22 quality impacts, biological impacts, agricultural impacts, and urban decay. The City Council issued a
23 draft Facts, Findings and Statement of Overriding Considerations Regarding the Environmental
24 Effects and the Approval of the World Logistics Center Specific Plan ("Findings,,).

25 46. The Planning Commission, on June 30, 2015, considered all of the project applications and
26 recommended approval of each by a vote of 6-1 to the City Council.
27

1 47. On August 17, 2015 LIUNA issued comments on the Findings underscoring ongoing
2 concerns regarding the Project's significant GHG and air quality impacts. The comments also noted
3 the EIR's failure to consider cumulative impacts associated with the MVLC.

4 48. The City Council held a hearing on the Project on August 19, 2015. The City Council
5 approved the Project and certified the Final EIR by a 3-2 vote.

6 49. Pursuant to Public Resources Code § 21152, on August 24, 2015, Respondents prepared a
7 notice of determination. The notice of determination was filed by the County Clerk of Riverside
8 County on August 26, 2015.

9 50. Petitioner, other agencies, interested groups, and individuals participated in the administrative
10 proceedings leading up to Respondents' approval of the project and certification of the EIR, by
11 participating in hearings thereon and/or by submitting letters commenting on Respondents' Notice of
12 Preparation, Draft EIR and Final EIR. Petitioner attempted to persuade Respondents that their
13 environmental review did not comply with the requirements of CEQA, to no avail. Respondents'
14 approval of the Project and certification of the EIR is not subject to further administrative review by
15 Respondents. Petitioner has availed itself of all available administrative remedies for Respondents'
16 violation of CEQA.

17 51. Petitioner has no plain, speedy, or adequate remedy in the ordinary course of law within the
18 meaning of Code of Civil Procedure § 1086, in that Respondents' approval of the Project and
19 associated EIR is not otherwise reviewable in a manner that provides an adequate remedy.
20 Accordingly, Petitioner seeks this Court's review of Respondents' approval of the Project and
21 certification of their EIR, to rectify the violations of CEQA.

22 52. Respondents are threatening to proceed with implementation of the Project in the near future.
23 Implementation of the project will irreparably harm the environment in that Respondents will
24 commence with construction activities pursuant to the flawed Final EIR prepared for the Project
25 resulting in greenhouse gas emissions, traffic, air quality, and other environmental impacts to
26 Petitioner and its members. Preliminary and permanent injunctions should issue restraining
27 Respondents from proceeding with the Project relying upon the Final EIR.

LEGAL BACKGROUND

1
2 53. CEQA (Pub. Resources Code § 21000 et seq.) requires that an agency analyze the potential
3 environmental impacts of the Project, i.e., its proposed actions, in an environmental impact report
4 (“EIR,”) (except in certain limited circumstances). (See, e.g., PRC § 21100). The EIR is the very heart
5 of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652). “The ‘foremost principle’ in
6 interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest
7 possible protection to the environment within the reasonable scope of the statutory language.,,
8 (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109).

9 54. CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the
10 public about the potential, significant environmental effects of a project. (14 Cal. Code Regs.
11 (“CEQA Guidelines,”) § 15002(a)(1)). “Its purpose is to inform the public and its responsible officials
12 of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects
13 not only the environment but also informed self-government.’,, (*Citizens of Goleta Valley v. Bd. of*
14 *Supervisors* (1990) 52 Cal.3d 553, 564). The EIR has been described as “an environmental ‘alarm
15 bell’ whose purpose it is to alert the public and its responsible officials to environmental changes
16 before they have reached ecological points of no return.,, (*Berkeley Keep Jets Over the Bay v. Bd. of*
17 *Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets,*”).

18 55. Second, CEQA requires public agencies to avoid or reduce environmental damage when
19 “feasible,, by requiring “environmentally superior,, alternatives and all feasible mitigation measures.
20 (CEQA Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley* 52 Cal.3d at 564). Mitigation
21 measures must be fully enforceable and not deferred. (CEQA Guidelines § 15126.4; *Sundstrom v.*
22 *County of Mendocino* (1988) 202 Cal. App. 3d 296, 308-309). A mitigation measure, e.g., the
23 preparation of a remediation plan that is not part of the record, is not an adequate mitigation measure
24 under CEQA. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista*
25 (2011) 197 Cal. App. 4th 327, 331-332). The EIR serves to provide agencies and the public with
26 information about the environmental impacts of a proposed project and to “identify ways that
27 environmental damage can be avoided or significantly reduced.,, (Guidelines § 15002(a)(2)). A
28 public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County*

1 *Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727.) Mitigation measures must be fully
2 enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR §
3 15126.4(a)(2).)

4 56. Guidelines section 15088 requires the lead agency to evaluate comments submitted in
5 response to the draft EIR and prepare a written response. If the agency's position is at variance with
6 recommendations, the comments "must be addressed in detail giving reasons why specific comments
7 and suggestions were not accepted. There must be a good faith, reasoned analysis in response.
8 Conclusory statements unsupported by factual information will not suffice., (Guidelines section
9 15088(c); *See also, City of Long Beach v. Los Angeles Unified School Dist.*, 176 Cal. App. 4th 889,
10 904 (2009)).

11 57. If the project will have a significant effect on the environment, the agency may approve the
12 project only if it finds that it has "eliminated or substantially lessened all significant effects on the
13 environment where feasible., and that any unavoidable significant effects on the environment are
14 "acceptable due to overriding concerns., (Pub. Resources Code § 21081; 14 Cal. Code Regs. §
15 15092(b)(2)(A) & (B)). Where the Findings fail to impose all feasible mitigation measures, the
16 statement of overriding considerations is invalid. *See* CEQA Guidelines §§ 15126.4, 15091; *City of*
17 *Marina v. Board of Trustees of California State University* (Cal. 2006)39 Cal. 4th 341, 368-369.

18 58. An EIR must discuss significant cumulative impacts. (CEQA Guidelines section 15130(a).)
19 This requirement flows from CEQA section 21083, which requires a finding that a project may have
20 a significant effect on the environment if "the possible effects of a project are individually limited but
21 cumulatively considerable... 'Cumulatively considerable' means that the incremental effects of an
22 individual project are considerable when viewed in connection with the effects of past projects, the
23 effects of other current projects, and the effects of probable future projects., "Cumulative impacts.,
24 are defined as "two or more individual effects which, when considered together, are considerable or
25 which compound or increase other environmental impacts., CEQA Guidelines section 15355(a).
26 "[I]ndividual effects may be changes resulting from a single project or a number of separate
27 projects., (CEQA Guidelines section 15355(a)). Reasonably foreseeable projects include projects for
28 which environmental review by an agency has been initiated. *Friends of the Eel River v. Sonoma*

1 *County Water Agency* (2003) 108 Cal.App.4th 859, 870; *San Franciscans for Reasonable Growth v.*
2 *City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74-77.

3 59. Where the agency adds “significant new information,, to an EIR prior to final EIR
4 certification, the lead agency must issue a new notice and must recirculate the revised EIR, or
5 portions of the EIR, for additional commentary and consultation. (Pub. Resources Code § 21092.1;
6 CEQA Guidelines § 15088.5). Pursuant to the Guidelines, significant new information can include
7 “changes in the project or environmental setting as well as additional data or other information.,,
8 (CEQA Guidelines § 15088.5(a)). New information is significant where it “deprives the public of a
9 meaningful opportunity to comment upon a substantial adverse environmental effect of the project or
10 a feasible way to mitigate or avoid such an effect....., (Id.) “‘Significant new information’ requiring
11 recirculation includes, for example, a disclosure showing that: (1) A new significant environmental
12 impact would result from the project or from a new mitigation measure proposed to be implemented.
13 [or] (2) A substantial increase in the severity of an environmental impact would result unless
14 mitigation measures are adopted that reduce the impact to a level of insignificance....., (Id.)

15 60. While the courts review an EIR using an “abuse of discretion,, standard, “the reviewing court
16 is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its
17 position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’,, (*Berkeley*
18 *Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v.*
19 *Regents of University of Cal.*, 47 Cal. 3d 376, 391 409, fn. 12 (1988)).

20 **FIRST CAUSE OF ACTION**

21 **(Violations of CEQA; EIR Does Not Comply With CEQA)**

22 61. Petitioner hereby realleges and incorporates paragraphs 1 through 63, inclusive.

23 62. CEQA requires the lead agency for a project to prepare an EIR that complies with the
24 requirements of the statute. The lead agency also must provide for public review and comment on the
25 project and associated environmental documentation. An EIR must provide sufficient environmental
26 analysis such that decision-makers can intelligently consider environmental consequences when
27 acting on proposed projects.

1 63. Respondents violated CEQA by certifying an EIR for the Project that is inadequate and fails
2 to comply with CEQA. Among other things, Respondents:

3 a. Failed to adequately disclose or analyze the Project's significant impacts on the
4 environment, including, but not limited to, the Project's impacts on GHG emissions, biological
5 resources, and air pollution from construction and operation including emissions of NOx and
6 particulate matter;

7 b. Failed to adequately mitigate Project GHG emissions, air pollution, and traffic
8 impacts;

9 c. Failed to consider cumulative impacts associated with other proposed logistics
10 centers in the area and failed to revise and recirculate the EIR in response to significant new
11 information that occurred after the release of the Project's draft EIR regarding the newly proposed
12 MVLC project and its environmental impacts and, as a result, failed to analyze significant cumulative
13 impacts resulting from the Project and the proposed MVLC project, including greenhouse gas
14 emissions and traffic impacts;

15 d. Failed to analyze urban decay impacts resulting from the project.

16 64. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
17 certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon.
18 Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

19 **SECOND CAUSE OF ACTION**

20 **(Violations of CEQA; Inadequate Findings)**

21 65. Petitioner hereby realleges and incorporates paragraphs 1 through 64, inclusive.

22 66. CEQA requires that a lead agency's findings for the approval of a project be supported by
23 substantial evidence in the administrative record. CEQA further requires that a lead agency provide
24 an explanation of how evidence in the record supports the conclusions it has reached.

25 67. Respondents violated CEQA by adopting findings that are inadequate as a matter of law in
26 that they are not supported by substantial evidence in the record, including, but not limited to, the
27 following:
28

1 a. The determination that the Project's greenhouse gas impacts would be less than
2 significant and/or that adopted mitigation measures would avoid or lessen the Project's
3 significant effects on the environment, without any consideration of "capped,,
4 emissions;

5 b. The determination that the Project's air quality impacts would be less than
6 significant with the adoption of mitigation measures requiring all diesel trucks
7 accessing the project to use new technology diesel exhaust;

8 c. The determination that the Project will not have significant impact on sensitive
9 species, especially the burrowing owl, based on improper and unscientific assessments
10 of species' presence in the Project site.

11 d. The determination that the Project will not have significant urban decay
12 impacts without providing any evidence in support.

13 c. The adoption of a statement of overriding considerations with respect to the
14 Project's significant impacts from operational and construction air emissions, without
15 analyzing and mandating all feasible mitigation measures; and

16 d. The adoption of a statement of overriding considerations with respect to the
17 Project's significant impacts from operational and construction air emissions while
18 including a number of mitigation measures that are discretionary and unenforceable.

19 68. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
20 making determinations or adopting findings that do not comply with the requirements of CEQA and
21 approving the Project in reliance thereon. Accordingly, Respondents' certification of the EIR and
22 approval of the Project must be set aside.

23 **THIRD CAUSE OF ACTION**

24 **(Injunctive and Declaratory Relief Against Respondents and Real Parties in Interest)**

25 69. Petitioner hereby realleges and incorporates paragraphs 1 through 68, inclusive.

26 70. Petitioner has no plain, speedy, or adequate remedy at law. Unless enjoined, Respondents and
27 Real Parties will implement the Project despite their lack of compliance with CEQA. Petitioner will
28 suffer irreparable harm by Respondents' failure to take the required steps to protect the environment

1 and Real Parties' initiation of construction of the Project. Declaratory relief is appropriate under Code
2 of Civil Procedure § 1060, injunctive relief is appropriate under Code of Civil Procedure § 525 *et seq.*
3 and a writ of mandate is appropriate under Code of Civil Procedure § 1085 *et seq.* and 1094.5 *et seq.*
4 and under Public Resources Code § 21168.9, to prevent irreparable harm to the environment.

5 WHEREFORE, Petitioner prays for judgment as hereinafter set forth.

6 **PRAYER**

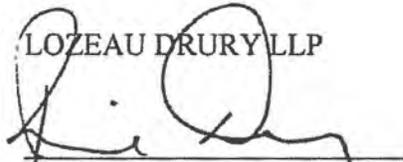
7 WHEREFORE, petitioner prays for the following relief:

- 8 1. For a stay of Respondents' decisions certifying the EIR and approving the Project
9 pending trial.
- 10 2. For a temporary restraining order and preliminary injunction restraining Respondents
11 and Real Parties in Interest from taking any actions to initiate construction of the Project relying in
12 whole or in part upon the EIR and Project approvals pending trial.
- 13 3. For a peremptory writ of mandate, permanent injunction and declaratory relief
14 directing:
 - 15 a. Respondents to vacate and set aside their certification of the EIR for the
16 Project and the decisions approving the Project and accompanying General
17 Plan amendments and zoning changes.
 - 18 b. Respondents to suspend all activity under the certification of the EIR and
19 approval of the Project that could result in any change or alteration to the
20 physical environment until Respondents have taken actions that may be
21 necessary to bring the certification and Project approvals into compliance with
22 CEQA.
 - 23 c. Respondents to prepare, circulate, and consider a new and legally adequate
24 EIR and otherwise to comply with CEQA in any subsequent action taken to
25 approve the Project.
- 26 4. For its costs of suit.
- 27 5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any
28 other applicable provisions of law or equity.

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6. For other equitable or legal relief that the Court considers just and proper.

Dated: September 21, 2015

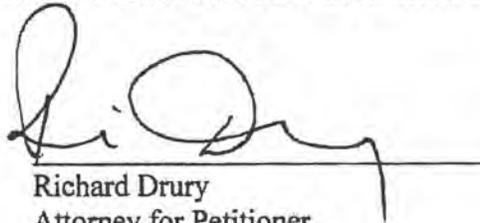
LOZEAU DRURY LLP

Richard Drury
Attorney for LIUNA Local Union No. 1184

VERIFICATION

1
2 I, Richard Drury, am an attorney for Petitioner Laborers International Union of North
3 America, Local Union 1184 in this action. I am verifying this Petition pursuant to California Code of
4 Civil Procedure section 446. Petitioner is located outside of the County of Alameda, where I have my
5 office. I have read the foregoing Petition. I am informed and believe that the matters in it are true and
6 on that ground allege that the matters stated in the Petition are true.

7
8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct.

10 Date: September 21, 2015

11 
Richard Drury
Attorney for Petitioner

ATTACHMENT A



T 510 835-4200
F 510 835-4205

410 12th Street, Suite 250
Oakland, CA 94607

www.lozeaudrury.com
michael@lozeaudrury.com

By U.S. Mail and E-mail

September 9, 2015

City of Moreno Valley
Mayor Jesse L. Molina and City Council
C/o City Clerk Jane Halstead
Moreno Valley City Hall
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Email: CityClerk@moval.org

**RE: Notice of Intent to File Suit Under the California Environmental Quality Act
Regarding the Certification of the Final Environmental Impact Report for
World Logistics Center Project (SCH # 2012021045)**

Dear Mayor Molina and City Clerk Halstead:

I am writing on behalf of Laborers' International Union of North America, Local Union 1184 ("LIUNA") and its members living in an around the City of Moreno Valley ("Petitioners"), regarding the World Logistics Center Project.

Please take notice, pursuant to Public Resources Code ("PRC") § 21167.5, that Petitioners intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") under the provisions of the California Environmental Quality Act ("CEQA"), PRC § 21000 et seq., against Respondents and Defendants City of Moreno Valley and City Council of Moreno Valley (collectively, "City"), in the Superior Court for the County of Riverside, challenging the August 19, 2015 certification of the FEIR and adoption of related CEQA findings for the Project by Respondents on the grounds that the EIR does not comply with CEQA in that it fails to adequately analyze and mitigate significant environmental impacts, and that the City's CEQA findings are not supported by substantial evidence in the record.

The petition being filed will seek the following relief:

1. For a stay of Respondents' decisions certifying the EIR and approving the Project pending trial.

2. For a temporary restraining order and preliminary injunction restraining Respondents and Real Parties in Interest from taking any actions to initiate construction of the Project relying in whole or in part upon the EIR and Project approvals pending trial.

3. For a peremptory writ of mandate, permanent injunction and declaratory relief directing:

- a. Respondents to vacate and set aside their certification of the EIR for the Project and the decisions approving the Project and accompanying General Plan amendments and zoning changes.
- b. Respondents and Real Parties in Interest to suspend all activity under the certification of the EIR and approval of the Project that could result in any change or alteration to the physical environment until Respondents have taken actions that may be necessary to bring the certification and Project approvals into compliance with CEQA.
- c. Respondents to prepare, circulate, and consider a new and legally adequate EIR and otherwise to comply with CEQA in any subsequent action taken to approve the Project.

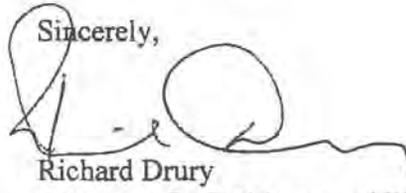
4. For its costs of suit.

5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.

6. For other equitable or legal relief that the Court considers just and proper.

Petitioners urge Respondents to rescind their certification of the FEIR and related CEQA findings for the Project, to conduct the appropriate environmental review, and to prepare the appropriate CEQA document for the Project as required by law.

Sincerely,



Richard Drury
Attorneys for Petitioner and Plaintiff Laborers'
International Union of North America, Local Union
1184

cc: Interim City Attorney Steve Quintanilla

PROOF OF SERVICE

I, Theresa Rettinghouse, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, California, 94607.

On September 9, 2015, I served a copy of the foregoing document entitled:

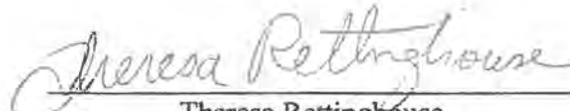
**Notice of Intent to File Suit Under the California Environmental Quality Act
Regarding the Certification of the Final Environmental Impact Report for the
World Logistics Center Project (SCH # 2012021045)**

on the following parties:

City of Moreno Valley
Mayor Jesse L. Molina and City Council
City Clerk Jane Halstead
Interim City Attorney Steve Quintanilla
Moreno Valley City Hall
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Email: CityClerk@moval.org

<input checked="" type="checkbox"/>	BY MAIL. By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.
<input checked="" type="checkbox"/>	BY EMAIL. By emailing the document to the City Clerk.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed September 9, 2015 at Oakland, California.


Theresa Rettinghouse

AMENDED

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

City of Moreno Valley, a municipality;
(Additional Parties Attachment form is attached)

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Laborers International Union of North America, Local Union No. 1184,
an organized labor union

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desachar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Richard Drury/ Michael Lozeau, Lozeau Drury LLP, 410 12th St., Ste 250, Oakland, CA 94607, 510-836-4200

DATE: September 21, 2015
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

SHORT TITLE: Laborers Int'l Union of No. America v. City of Moreno Valley, et al	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff
 Defendant
 Cross-Complainant
 Cross-Defendant

City Council of the City of Moreno Valley; Moreno Valley Community Services District Board;
 HIGHLAND FAIRVIEW; HF PROPERTIES, a California
 general partnership; SUNNYMEAD PROPERTIES, a Delaware general partnership; THEODORE
 PROPERTIES PARTNERS, a Delaware general partnership; 13451 THEODORE LLC, a California limited
 liability company; HL PROPERTY PARTNERS, a Delaware general partnership; HIGHLAND FAIRVIEW
 OPERATING CO., a general partnership; HIGHLAND FAIRVIEW PROPERTIES, a California limited
 liability company; HIGHLAND FAIRVIEW COMMUNITIES, a Delaware limited liability company;
 HIGHLAND FAIRVIEW CONSTRUCTION, INC., a California corporation; HIGHLAND FAIRVIEW
 CORPORATE PARK ASSOCIATION, a California corporation.

Page _____ of _____

Page 1 of 1

15 SEP 23 PM 4: 50

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6 Attorneys for Petitioner and Plaintiff

7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF RIVERSIDE

9 LABORERS INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL UNION NO.
10 1184, an organized labor union,

11 Petitioner and Plaintiff,

12 v.

13 CITY OF MORENO VALLEY, a
14 municipality; CITY COUNCIL OF THE
CITY OF MORENO VALLEY, and
15 MORENO VALLEY COMMUNITY
SERVICES DISTRICT, a dependent special
16 district of the City of Moreno Valley,

17 Respondents and Defendants;
18

19 HIGHLAND FAIRVIEW; HF PROPERTIES,
20 a California general partnership,
SUNNYMEAD PROPERTIES, a Delaware
21 general partnership; THEODORE
PROPERTIES PARTNERS, a Delaware
22 general partnership; 13451 THEODORE LLC,
23 a California limited liability company; HL
PROPERTY PARTNERS, a Delaware general
24 partnership; HIGHLAND FAIRVIEW
OPERATING CO., a Delaware general
25 partnership; HIGHLAND FAIRVIEW
26 PROPERTIES, a California limited liability
company; HIGHLAND FAIRVIEW
27 COMMUNITIES, a Delaware limited liability
company; HIGHLAND FAIRVIEW
28 CONSTRUCTION, INC., a California

Case No.: RIC1511279

VERIFIED FIRST AMENDED PETITION
FOR WRIT OF MANDATE AND FIRST
AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

(California Environmental Quality Act
("CEQA,"), Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure §§ 1094.5, 1085)

Dept: CEQA Case

1 corporation; and HIGHLAND FAIRVIEW
2 CORPORATE PARK ASSOCIATION, a
3 California corporation,

4 Real Parties in Interest and
5 Defendants.

6 Petitioner and Plaintiff Laborers International Union of North America, Local Union No.
7 1184 (hereinafter "Petitioner,, or "LIUNA,,) petitions this Court for a writ of mandate directed to
8 Respondents and Defendants City of Moreno Valley and City Council of the City of Moreno Valley
(collectively "Respondents,, or "City,,), and by this verified petition and complaint, allege as follows:

9 1. Petitioner brings this action to challenge the unlawful actions of Respondents in
10 approving: Resolution No. 2015-56 certifying the Final Environmental Impact Report ("Final EIR,,)
11 adopting the Findings and Statement of Overriding Considerations and approving the mitigation
12 monitoring program for the World Logistics Center (WLC) Specific Plan (the "Project,,); Resolution
13 No. 2015-57 approving the General Plan Amendment (PA12-0010); Resolution No. 2015-58
14 approving the Tentative Parcel Map; Resolution No. 2015-59 requesting that the Riverside County
15 Local Agency Formation Commission (LAFCO) initiate proceedings for the expansion of Moreno
16 Valley Boundaries; Ordinance No. 900 approving the Change of Zone (PA 12-0012), Specific Plan
17 (PA12-0013), and Pre-Zoning/Annexation (PA12-0014); Ordinance No. 901 approving the
18 Development Agreement (PA12-0011); and Resolution CSD 2015-29, requesting that LAFCO
19 initiate proceedings for the expansion of CSD's boundary in conjunction with the related annexation
20 requested by the City Council. These actions were taken by Respondents in violation of the
21 requirements of the California Environmental Quality Act ("CEQA,,), Public Resources Code §
22 21000 *et seq.*, and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 *et seq.*

23 2. The Project is a proposed industrial park of up to 40.4 million square feet of "high-
24 cube logistics,, warehouse distribution uses and 200,000 square feet of warehousing-related uses on
25 2,610 acres in the City of Moreno Valley, in Riverside County, California.

26 3. Respondents prepared and relied on an EIR that falls well below CEQA's minimum
27 standards. The EIR is deficient in its discussion and analysis of the Project's significant impacts on
28 greenhouse gas ("GHG,,) emissions, traffic impacts, operational air pollution, construction pollution,

1 biological impacts and urban decay. The EIR also impermissibly fails to address significant new
2 information in its cumulative impacts analysis with respect to the proposed Moreno Valley Logistics
3 Center ("MVLC,") Project, another large warehouse and distribution facility proposed to be located in
4 Moreno Valley. These and other violations of CEQA were carefully documented during
5 administrative proceedings on the Project, but were never rectified by the City.

6 4. According to Respondents' EIR, the Project is expected to emit approximately
7 386,000 metric tons of carbon dioxide equivalents ("CO₂e,") per year (with mitigation). This
8 represents nearly half of the targeted annual GHG emissions for the entire City by the year 2020.
9 Nonetheless, the EIR finds that the GHG emissions for the project will be below the 10,000 metric
10 tons, the applicable threshold of significance. The EIR reaches this conclusion by ignoring 98% of
11 emissions because they are allegedly included in the AB 32 Cap and Trade Program. Moreover, the
12 FEIR adopts discretionary and unenforceable mitigation measures and fails to adopt other feasible
13 mitigation measures.

14 5. Similarly, the EIR's traffic impacts assessment fails to consider all traffic impacts. The
15 EIR also relies on deferred mitigation measures that depend on actions by other agencies without any
16 agreements in place to ensure such actions.

17 6. The EIR's conclusions regarding air pollution impacts are not supported by the record.
18 According to the EIR, mitigation measures requiring all diesel trucks accessing the project to use new
19 technology diesel exhaust (NTDE) are sufficient to result in a less than significant environmental
20 impact. First, the EIR fails to demonstrate the feasibility of constraining all trucks entering the project
21 site to those using NTDE. Even if it were feasible, the conclusion that NTDE does not cause cancer is
22 based on misinterpretation of a single recent study that is contrary to CARB's and OEHHA's official
23 findings that diesel particulate matter is a known human carcinogen.

24 7. The EIR fails to adequately consider cumulative impacts on air pollution, biological
25 resources, and traffic because it failed to consider all similar new and proposed projects in Moreno
26 Valley. Cumulative impacts associated with recent proposed warehousing facility, MVLC, were not
27 considered despite LIUNA's comments. Moreover, the EIR relied on improper and unscientific
28

1 methodologies for assessing biological impacts on sensitive species, such as the burrowing owls and
2 the Los Angeles pocket mouse, and completely failed to assess urban decay impacts.

3 8. Respondents prejudicially abused their discretion in certifying the EIR and approving
4 the Project. Accordingly, Respondents' approval of the Project and certification of the Final EIR
5 must be set aside.

6 PARTIES

7 9. Petitioner LIUNA is a labor organization representing thousands of employees who
8 are residents of Riverside County. LIUNA Local Union No. 1184 has numerous members residing
9 and working in and around the City of Moreno Valley and Riverside County. LIUNA Local Union
10 No. 1184's purposes include, but are not limited to, advocating on behalf of its members to ensure
11 safe workplace environments; working to protect recreational opportunities for its members to
12 improve its members quality of life when off the job; advocating to assure its members access to safe,
13 healthful, productive, and aesthetically and culturally pleasing surroundings on and off the job;
14 promoting environmentally sustainable businesses and development projects on behalf of its
15 members, including providing comments raising environmental concerns and benefits on proposed
16 development projects; advocating for changes to proposed development projects that will help to
17 achieve a balance between employment, the human population, and resource use which will permit
18 high standards of living and a wide sharing of life's amenities by its members as well as the general
19 public; advocating for steps to preserve important historic, cultural, and natural aspects of our
20 national heritage, and maintain, wherever possible, an environment which supports diversity and
21 variety of individual choice; and advocating on behalf of its members for programs, policies, and
22 development projects that promote not only good jobs but also a healthy natural environment and
23 working environment, including but not limited to advocating for changes to proposed projects and
24 policies that, if adopted, would reduce air, soil and water pollution, minimize harm to wildlife,
25 conserve wild places, reduce traffic congestion, reduce global warming impacts, and assure
26 compliance with applicable land use ordinances; and working to attain the widest range of beneficial
27 uses of the environment without degradation, risk to health or safety or other undesirable and
28 unintended consequences.

1 10. LIUNA Local Union No. 1184 and its members in Riverside County have several
2 distinct legally cognizable interests in this project. LIUNA Local Union No. 1184 members live,
3 work and recreate in Riverside County. LIUNA Local Union No. 1184 members may also be exposed
4 to construction and operational hazards from air pollution emissions that have not been adequately
5 analyzed or mitigated. The interests of LIUNA Local Union No. 1184 members are unique and will
6 be directly impacted by the project. Petitioner brings this action on behalf of itself, its members, and
7 the public interest.

8 11. LIUNA and its members have a direct and beneficial interest in Respondents'
9 compliance with laws bearing upon approval of the Project. These interests will be directly and
10 adversely affected by the Project, which violates provisions of law as set forth in this Petition and
11 would cause substantial harm to the natural environment and the quality of life in the surrounding
12 community. The maintenance and prosecution of this action will confer a substantial benefit on the
13 public by protecting the public from the environmental and other harms alleged herein. LIUNA and
14 its members actively participated in meetings hosted by the City leading up to the proposal and
15 adoption of the Project and Final EIR. LIUNA and its members submitted comments to Respondents
16 objecting to and commenting on the Project and the EIR.

17 12. Respondent and Defendant Moreno Valley is a general law city organized and existing
18 under and by virtue of laws of the State of California, and is situated in the County of Riverside.
19 Moreno Valley is the "lead agency,, for the Project for purposes of Public Resources Code § 21067,
20 and has principal responsibility for conducting environmental review for the Project and taking other
21 actions necessary to comply with CEQA.

22 13. Respondent City Council of Moreno Valley is the governing body of the City and is
23 ultimately responsible for reviewing and approving or denying the Project. The City Council and its
24 members are sued here in their official capacities.

25 14. Petitioner is informed and believes, and on that basis alleges, that Respondent Moreno
26 Valley Community Services District Board (CSD) is a governmental body within Moreno Valley,
27 established pursuant to the Community Services District Law (Cal. Gov. Code section 61000 et seq.).
28 CSD is a dependent special district of Moreno Valley, and the Moreno Valley City Council serves as

1 the board of Directors of the CSD. CSD, its staff, and contractors and consultants working under its
2 control and direction, approved a resolution, which was supported by the EIR's analysis, furthering
3 the Project.

4 15. On August 26, 2015, the City filed a Notice of Determination for the Project. The
5 August 26 Notice of Determination identifies "Highland Fairview,, as the applicant for the Project
6 and the only real party in interest pursuant to Public Resources Code § 21167.6.5.

7 16. Petitioner is informed and believes and thereupon alleges that one or more of the
8 following entities may comprise, in whole or in part, the "Highland Fairview,, identified in the Notice
9 of Determination and may have an interest in the Project: Highland Fairview, HF Properties, a
10 California general partnership, Sunnymead Properties, a Delaware general partnership; Theodore
11 Property Partners, a Delaware general partnership; 13451 Theodore LLC, a California limited
12 liability company; HL Property Partners, a Delaware general partnership; Highland Fairview
13 Operating Co., a general partnership, Highland Fairview Properties, a California limited liability
14 company; Highland Fairview Communities, a Delaware limited liability company; Highland Fairview
15 Construction, Inc., a California corporation; and Highland Fairview Corporate Park Association, a
16 California corporation.

17 **JURISDICTION AND VENUE AND CERTIFICATE OF COUNSEL AS TO PROPER**
18 **COURT BRANCH**

19 17. Pursuant to California Code of Civil Procedure section 1085 (alternatively section
20 1094.5) and Public Resources Code sections 21168.5 (alternatively section 21168) and 21168.9, this
21 Court has jurisdiction to issue a writ of mandate to set aside Respondents' decision to certify the EIR
22 and approve the Project. The Court has jurisdiction to issue declaratory relief pursuant to Code of
23 Civil Procedure § 1060 and injunctive relief pursuant to Code of Civil Procedure § 525 *et seq.*

24 18. Venue is proper in this Court because this action challenges acts done by a public
25 agency, and the causes of action alleged in this Petition and Complaint arose in the County of
26 Riverside. Venue also is proper in this Court because the City is located in the County of Riverside.
27 Pursuant to Superior Court Local Rule 3115 and Section (f) the Court's Administrative Order dated
28

1 January 5, 2015, this case is filed in the Riverside Historic Courthouse, 4050 Main Street, Riverside,
2 California, 92501, because the decisions and project at issue occurred in the City of Moreno Valley.

3 19. Petitioner has complied with the requirements of Public Resources Code section
4 21167.5 by serving a written notice of Petitioner's intention to commence this action on Respondents
5 on February 25, 2015. A copy of the written notice and proof of service is attached hereto as Exhibit
6 A.

7 20. Petitioner is complying with the requirements of Public Resources Code section
8 21167.6 by concurrently filing a notice of its election to prepare the record of administrative
9 proceedings relating to this action, a copy of which is attached hereto as Exhibit B.

10 21. Petitioner is complying with the requirements of Public Resources Code section
11 21167.7 by sending a copy of this Petition and Complaint to the California Attorney General on
12 September 22, 2015. A copy of the letter transmitting this Petition is attached hereto as Exhibit C.

13 22. Petitioner has performed any and all conditions precedent to filing this instant action
14 and has exhausted any and all available administrative remedies to the extent required by law.

15 23. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law
16 unless this Court grants the requested writ of mandate to require Respondents to set aside their
17 certification of the EIR and approval of the Project. In the absence of such remedies, Respondents'
18 decision will remain in effect in violation of state law.

19
20 **STATEMENT OF FACTS**

21 **Project Background**

22 24. The Project site encompasses 3,818 acres of land located in Rancho Belago, the
23 eastern portion of the City of Moreno Valley, and is situated directly south of State Route 60 (SR-60)
24 with the Badlands area to the east and northeast, the Mount Russell Range to the southwest, and
25 Mystic Lake and the San Jacinto wildlife Area to the southeast. In addition to the Specific Plan area,
26 the Project site includes (1) 910 acres of the California Department of Fish and Wildlife (CDFW)
27 Conservation Buffer area to the south, (2) 194 acres of Public Facilities Lands area, and (3) 104 acres
28 of Off-site Improvement Area.

1 25. The Specific Plan being evaluated in this EIR covers 2,610 acres and proposes a
2 maximum of 40.4 million square feet of “high-cube logistics,, warehouse distribution uses classified
3 as “Logistics Development,, (LD) and 200,000 square feet (approximately 0.5%) of warehousing-
4 related uses classified as “Light Logistics,, (LL). The lands within the WLC Specific Plan that are
5 designated LL are existing rural lots, some containing residential uses, that will become “legal, non-
6 conforming uses,, once the WLC Specific Plan is approved. In addition, the LD designation includes
7 land for two special use areas; a fire station and a “logistics support,, facility for vehicle fueling and
8 sale of convenience goods (3,000 square feet is assumed for planning purposes for the “logistics
9 support,,).

10 26. The Project site primarily consists of active farmland. Approximately 3,389 acres, or 89
11 percent of the project area, are designated as Farmland of Local Importance and approximately 25
12 acres are designated as Unique Farmland. The site is also scattered with seven residences.

13 27. The Final EIR states that the purpose of the proposed Project is to provide a new master-
14 planned facility specializing in logistics warehouse distribution services, and asserts that the
15 completed Project will achieve, among others, the following objectives: (1) providing a major
16 logistics center to accommodate a portion of the ever-expanding trade volumes at the Ports of Los
17 Angeles and Long Beach; (2) creating a major logistics center with good regional and freeway
18 access; (3) creating substantial employment opportunities for the citizens of Moreno Valley and
19 surrounding communities; and (4) providing the land use designation and infrastructure plan
20 necessary to meet current market demands and to support the City’s Economic Development Action
21 Plan.

22 28. The EIR and Findings violate CEQA in a number of ways, including its analysis of GHG
23 emissions, failure to consider cumulative impacts of the MVLC project and other proposed logistics
24 centers with respect to GHG, air, biological, and traffic impacts, underestimating impacts from air
25 pollution, failure to analyze impacts from urban decay, and failure to adopt and/or make mandatory
26 all feasible mitigation measures for nitrogen oxides (NOx) and GHG emissions from the Project prior
27 to making a finding of overriding considerations,.

1 **Greenhouse Gas Emissions**

2 29. The Facts, Findings, and Statement of Overriding Considerations (“Findings,”) estimates that
3 annual GHG emissions from operations at the Project site will be 386,000 metric tons of carbon
4 dioxide equivalents (“CO2e,”) per year at buildout. This emissions figure is significant both by the
5 local air district’s and the City of Moreno Valley’s standards. The City of Moreno Valley generated
6 approximately 900,000 metric tons of CO2e in 2010. Thus, the Project site would increase city-wide
7 greenhouse gas emissions by at least 40%. The City has a stated goal of 798,693 total CO2e
8 emissions for the entire City by the year 2020. The WLC’s estimated GHG emissions account for
9 nearly half of that goal.

10 30. The Project also exceeds by 37 times the quantitative GHG CEQA emissions threshold set by
11 South Coast Air Quality Management District (“SCAQMD,”) of 10,000 metric tons for industrial
12 projects. The EIR makes the wholly unsupported conclusion that the Project’s GHG emissions will be
13 below SCAQMD’s threshold of significance, by determining that 98 percent of projected GHG
14 emissions do not require consideration because they are covered by the California Air Resources
15 Board (CARB) cap-and-trade program under California Assembly Bill 32 (“AB 32,”). On this basis,
16 the findings only consider the remaining 2 percent of GHG emissions in determining that the project
17 did not exceed SCAQMD’s significance thresholds. The choice not to apply “capped, emissions to
18 the SCAQMD threshold conflicts with SCAQMD’s policy objectives, Executive Order S-3-05,
19 CARB’s 2014 Update to the Climate Change Scoping Plan, and conclusions reached by lead agencies
20 regarding recent similar projects of this scale and type in the SCAQMD. Moreover, the AB 32 cap
21 and trade program does not align with the time frame of the operational emissions from the Project
22 and is thus, irrelevant in the present circumstances. The cap and trade program is currently only set to
23 run through 2020, while the Project buildout is not projected to be completed until 2030. To depend
24 on the uncertain future of AB 32 constitutes deferred mitigation, which CEQA does not allow.

25 31. Petitioner’s comments on the Findings pointed out Respondent’s failure to demonstrate the
26 feasibility of proposed mitigation measures. The FEIR and the Findings provided no substantial
27 evidence to support its assumptions that (1) all construction equipment will meet United States
28

1 Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards; and (2) that all
2 trucks entering the Project site will have engines model year 2007 or later.

3 32. In addition, in its comments on the Draft EIR and Findings, Petitioner pointed out
4 Respondents' failure to impose feasible mitigation measures. The Findings require the installation of
5 solar panels with the capacity equal to the peak daily demand for the ancillary office uses in each
6 warehouse building. It would be feasible, however, to incorporate solar panel installations to meet the
7 electrical needs from all buildings or even surpass needs and offset emissions from other aspects of
8 operation. Such mitigation measures were never considered.

9 33. The EIR also fails to impose mitigation measures based on hybrid technologies. Master
10 Response-3 dismissed these measures as infeasible because these technologies are in testing phases
11 and not currently commercially available. However, the determination of infeasibility is not
12 supported by substantial evidence in the record, because hybrid trucks are already commercially
13 available in the United States.

14 34. For all these reasons, it is clear that the EIR must be revised to reanalyze the significance of
15 emissions and all feasible and enforceable mitigation measures.

16 **Air Quality Impacts**

17 35. The determination in the EIR that the project will not have significant air quality impacts is
18 not supported by substantial evidence in the record. According to the EIR, using the current
19 California Office of Environmental Health Hazard Assessment (OEHHA) methodology to assess
20 diesel exhaust, the project would result in a significant cancer risks; however, the EIR goes on to find
21 that mitigation measures requiring all diesel trucks accessing the Project to use new technology diesel
22 exhaust (NTDE) are sufficient to result in a less than significant environmental impact. This
23 conclusion is based on a single recent study, the Advanced Collaborative Emissions Study (ACES)
24 and ignores California Air Resources Board's (CARB) and OEHHA's official findings that diesel
25 particulate matter is a known human carcinogen. This single study does not amount to "substantial
26 evidence,, and may not be relied upon to ignore the methodology of regulatory agencies with
27 appropriate jurisdiction and years of studies finding the contrary. CARB agrees. Finding the FEIR's
28 reliance on the ACES study so patently deficient, CARB took the highly unusual step of filing a

1 formal comment letter criticizing the FEIR and requesting preparation of a supplemental EIR to
2 remedy the obvious defects.

3 36. Even if there were sufficient evidence to support the finding that NTDE presents no cancer
4 risk (which there is not), the EIR fails to demonstrate the feasibility of constraining all trucks entering
5 the project site to engines emitting NTDE. Consequently, the air quality impacts from the project are
6 significant and all feasible mitigation measures must be imposed. The EIR fails to impose all feasible
7 mitigation measures, as discussed in Paragraphs 31-33.

8 37. Because the City failed to properly assess the risk and consider all feasible mitigation
9 measures prior to the issuance of the Statement of Overriding Considerations, the statement is
10 invalid. A supplemental EIR is required to properly calculate and disclose this impact under
11 California law, using duly adopted California health risk assessment methodology .

12 **Significant New Information and Cumulative Impacts**

13 38. In the Draft EIR, the City explained it would rely solely on the summary-of-projections
14 method to analyze the Project's cumulative impacts. In response to LIUNA's comments questioning
15 the accuracy of this method, the City noted that it had failed to take into account three additional
16 projects in the area, but made no changes to its projections. (Final Programmatic EIR, Volume 1-
17 Response to Comments, 663).

18 39. Since the Draft EIR, a fourth new logistics center has been proposed. On June 17, 2015, the
19 City circulated for public comment a Draft EIR for the Moreno Valley Logistics Center (MVLC), a
20 warehouse and distribution center comprised of four buildings totaling close to 2 million square feet
21 of floor space located in the southern portion of the City of Moreno. The MVLC project, along with
22 the WLC Project, will generate thousands of daily diesel truck trips to and from the city. The City's
23 NOP for the MVLC constitutes significant new information that was not acknowledged or addressed
24 in the WLC EIR with respect to impacts on agricultural resources, biological resources, traffic, or air
25 quality. Respondents, however certified the Final EIR for the Project without addressing this
26 significant new information. Consequently, the EIR's cumulative impact analyses are inadequate
27 because they did not take into account the environmental impacts of other past, present and
28

1 reasonably foreseeable projects in the Project's vicinity. CEQA mandates that the City address this
2 significant new information and recirculate the EIR.

3 **Traffic Impacts**

4 40. The traffic impacts of the WLC Project are immense, resulting in 68,721 vehicle trips a day at
5 project buildout. At buildout, the Project will be the single largest trip generator in the City of
6 Moreno Valley. The EIR's assessment of traffic impacts and adopted mitigation measures are flawed
7 and fail to comply with CEQA's requirements to fully mitigation all of its direct traffic impacts. First,
8 the EIR does not identify a number of traffic impacts and fails to resolve concerns about the project's
9 impacts on the regional highway system.

10 41. The EIR also fails to ensure adequate mitigation by relying on deferred mitigation measures.
11 Both CalTrans and the Riverside County Transportation Commission submitted comments just days
12 before the August 19 hearing asserting that it was unacceptable to condition payment of fair share on
13 Caltrans adopting a contribution program and the City making a future finding that such program
14 exists and is consistent with the FEIR. Because CEQA prohibits deferred mitigation, the City must
15 enter into an agreement with the necessary agencies or provide other assurances to ensure the
16 implementation of this mitigation measure, but the City has failed to do so. Moreover, the EIR fails to
17 ensure adequate mitigation by conditioning occupancy permits on payment of fair share contributions
18 to mitigate traffic impacts, not on completion of the traffic improvements necessary to reduce
19 impacts to less than significant level. Thus, the Project improperly relies on fee-based mitigation
20 without defining mitigation measures or ensuring adequate measures will be implemented.

21 **Biological Resources**

22 42. The EIR does not adequately analyze or mitigate biological impacts of the Project alone or
23 cumulatively with other logistics centers in the city on sensitive species, such as the burrowing owls
24 and the Los Angeles pocket mouse. The surveys on biological impacts employed improper,
25 unscientific and biased methodologies that failed to accurately identify those species inhabiting the
26 Project site. Moreover, the EIR's conclusion that the Project will not restrict the movement of
27 wildlife or impact wildlife corridors is not supported by substantial evidence in the record. These
28

1 concerns were raised in comments by Petitioners and others and Respondent's responses were
2 inadequate and failed to provide a good-faith and reasoned analysis in response.

3 **Urban Decay**

4 43. The EIR failed to analyze urban decay impacts. The development of a 40 million square foot
5 warehouse space, together with increased traffic, noise, and pollution will likely result in impacts
6 such as depressed property values, relocation of people and businesses, resulting in a downward
7 spiral of urban blight. Yet, the EIR contained a mere two-sentence section on urban decay. This
8 discussion referenced another section of the EIR, but that section contained no substantive analysis of
9 urban decay whatsoever. CEQA requires the City to analyze the urban decay impacts of the Project
10 alone and cumulatively, taking into account new and proposed logistics centers, and propose feasible
11 mitigation measures.

12 44. The EIR is also inadequate due to failure to meaningfully respond to comments raising these
13 concerns. The Response to Petitioner's comment simply asserted that no urban decay impacts would
14 result, pointing to the incorporation of "architectural design standards,, and distinguishing the project
15 from a garbage dump or a prison. There is no indication that this conclusion was the product of any
16 research or supported by substantial evidence on the record.

17 **Project History, Environmental Review, and Approval**

18 45. Due to the nature and size of this Project, the City determined an EIR was necessary without
19 conducting an Initial Study. On February 21, 2012, the City issued a notice of preparation of an EIR,
20 with the public comment period running from February 25 to March 26, 2012. On March 12, 2012,
21 the City held a public meeting to consider comments regarding the scope of the EIR.

22 46. The Draft EIR was issued on February 4, 2013 and a 63-day public comment period ran from
23 February 5 to April 8, 2013. LIUNA submitted extensive written and oral comments on the Draft
24 EIR, identifying numerous inadequacies in the document. LIUNA's comments included but were not
25 limited to the following:

- 26 a. The Draft EIR failed to establish an accurate baseline for hazardous materials and
27 biological resources by failing to conduct and/or rely on adequate surveys and/or
28 assessments.

- 1 b. The Draft EIR failed to adequately mitigate significant construction and operational air
- 2 quality impacts and to adequately analyze and mitigate significant indirect source
- 3 pollution.
- 4 c. The Draft EIR failed to adequately analyze and mitigate the Project's impacts on
- 5 biological resources.
- 6 d. The Draft EIR failed to adequately analyze and mitigate the Project's construction and
- 7 operational GHG emissions.
- 8 e. The Draft EIR's entire cumulative impacts analyses were based on outdated and
- 9 inaccurate summary of projections and failed to adequately analyze and mitigate the
- 10 Project's cumulative impacts for the following topics: (1) agricultural resources, (2)
- 11 biological resources, and (3) air quality.

12 47. In May 2015, the City issued its Final EIR for the Project, which included responses to public
13 comments and circulated the FEIR for 45 days. On or around that time, the City Council issued a
14 draft Facts, Findings and Statement of Overriding Considerations Regarding the Environmental
15 Effects and the Approval of the World Logistics Center Specific Plan ("Findings,,).

16 48. On June 10, 2015, LIUNA submitted comments expressing concerns over traffic impacts, air
17 quality impacts, biological impacts, agricultural impacts, and urban decay.

18 49. The Planning Commission, on June 30, 2015, considered all of the project applications and
19 recommended approval of each by a vote of 6-1 to the City Council.

20 50. On August 17, 2015 LIUNA issued comments on the Findings underscoring ongoing
21 concerns regarding the Project's significant GHG and air quality impacts. The comments also noted
22 the EIR's failure to consider cumulative impacts associated with the MVLC.

23 51. The City Council held a hearing on the Project on August 19, 2015. The City Council
24 approved the Project and certified the Final EIR by a 3-2 vote.

25 52. Pursuant to Public Resources Code § 21152, on August 24, 2015, Respondents prepared a
26 notice of determination. The notice of determination was filed by the County Clerk of Riverside
27 County on August 26, 2015.

28

1 53. Petitioner, other agencies, interested groups, and individuals participated in the administrative
2 proceedings leading up to Respondents' approval of the project and certification of the EIR, by
3 participating in hearings thereon and/or by submitting letters commenting on Respondents' Notice of
4 Preparation, Draft EIR and Final EIR. Petitioner attempted to persuade Respondents that their
5 environmental review did not comply with the requirements of CEQA, to no avail. Respondents'
6 approval of the Project and certification of the EIR is not subject to further administrative review by
7 Respondents. Petitioner has availed itself of all available administrative remedies for Respondents'
8 violation of CEQA.

9 54. Petitioner has no plain, speedy, or adequate remedy in the ordinary course of law within the
10 meaning of Code of Civil Procedure § 1086, in that Respondents' approval of the Project and
11 associated EIR is not otherwise reviewable in a manner that provides an adequate remedy.
12 Accordingly, Petitioner seeks this Court's review of Respondents' approval of the Project and
13 certification of their EIR, to rectify the violations of CEQA.

14 55. Respondents are threatening to proceed with implementation of the Project in the near future.
15 Implementation of the project will irreparably harm the environment in that Respondents will
16 commence with construction activities pursuant to the flawed Final EIR prepared for the Project
17 resulting in greenhouse gas emissions, traffic, air quality, and other environmental impacts to
18 Petitioner and its members. Preliminary and permanent injunctions should issue restraining
19 Respondents from proceeding with the Project relying upon the Final EIR.

20 21 **LEGAL BACKGROUND**

22 56. CEQA (Pub. Resources Code § 21000 et seq.) requires that an agency analyze the potential
23 environmental impacts of the Project, i.e., its proposed actions, in an environmental impact report
24 ("EIR,") (except in certain limited circumstances). (See, e.g., PRC § 21100). The EIR is the very heart
25 of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652). "The 'foremost principle' in
26 interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest
27 possible protection to the environment within the reasonable scope of the statutory language.,,
28 (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109).

1 57. CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the
2 public about the potential, significant environmental effects of a project. (14 Cal. Code Regs.
3 (“CEQA Guidelines,”) § 15002(a)(1)). “Its purpose is to inform the public and its responsible officials
4 of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects
5 not only the environment but also informed self-government.’, (*Citizens of Goleta Valley v. Bd. of*
6 *Supervisors* (1990) 52 Cal.3d 553, 564). The EIR has been described as “an environmental ‘alarm
7 bell’ whose purpose it is to alert the public and its responsible officials to environmental changes
8 before they have reached ecological points of no return., (*Berkeley Keep Jets Over the Bay v. Bd. of*
9 *Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets,*)).

10 58. Second, CEQA requires public agencies to avoid or reduce environmental damage when
11 “feasible,, by requiring “environmentally superior,, alternatives and all feasible mitigation measures.
12 (CEQA Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley* 52 Cal.3d at 564). Mitigation
13 measures must be fully enforceable and not deferred. (CEQA Guidelines § 15126.4; *Sundstrom v.*
14 *County of Mendocino* (1988) 202 Cal. App. 3d 296, 308-309). A mitigation measure, e.g., the
15 preparation of a remediation plan that is not part of the record, is not an adequate mitigation measure
16 under CEQA. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista*
17 (2011) 197 Cal. App. 4th 327, 331-332). The EIR serves to provide agencies and the public with
18 information about the environmental impacts of a proposed project and to “identify ways that
19 environmental damage can be avoided or significantly reduced., (Guidelines § 15002(a)(2)). A
20 public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County*
21 *Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727.) Mitigation measures must be fully
22 enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR §
23 15126.4(a)(2).)

24 59. Guidelines section 15088 requires the lead agency to evaluate comments submitted in
25 response to the draft EIR and prepare a written response. If the agency’s position is at variance with
26 recommendations, the comments “must be addressed in detail giving reasons why specific comments
27 and suggestions were not accepted. There must be a good faith, reasoned analysis in response.
28 Conclusory statements unsupported by factual information will not suffice., (Guidelines section

1 15088(c); *See also, City of Long Beach v. Los Angeles Unified School Dist.*, 176 Cal. App. 4th 889,
2 904 (2009)).

3 60. If the project will have a significant effect on the environment, the agency may approve the
4 project only if it finds that it has “eliminated or substantially lessened all significant effects on the
5 environment where feasible,, and that any unavoidable significant effects on the environment are
6 “acceptable due to overriding concerns., (Pub. Resources Code § 21081; 14 Cal. Code Regs. §
7 15092(b)(2)(A) & (B)). Where the Findings fail to impose all feasible mitigation measures, the
8 statement of overriding considerations is invalid. *See CEQA Guidelines §§ 15126.4, 15091; City of*
9 *Marina v. Board of Trustees of California State University* (Cal. 2006)39 Cal. 4th 341, 368-369.

10 61. An EIR must discuss significant cumulative impacts. (CEQA Guidelines section 15130(a).)
11 This requirement flows from CEQA section 21083, which requires a finding that a project may have
12 a significant effect on the environment if “the possible effects of a project are individually limited but
13 cumulatively considerable... ‘Cumulatively considerable’ means that the incremental effects of an
14 individual project are considerable when viewed in connection with the effects of past projects, the
15 effects of other current projects, and the effects of probable future projects., “Cumulative impacts,,
16 are defined as “two or more individual effects which, when considered together, are considerable or
17 which compound or increase other environmental impacts., CEQA Guidelines section 15355(a).
18 “[I]ndividual effects may be changes resulting from a single project or a number of separate
19 projects., (CEQA Guidelines section 15355(a)). Reasonably foreseeable projects include projects for
20 which environmental review by an agency has been initiated. *Friends of the Eel River v. Sonoma*
21 *County Water Agency* (2003) 108 Cal.App.4th 859, 870; *San Franciscans for Reasonable Growth v.*
22 *City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74-77.

23 62. Where the agency adds “significant new information,, to an EIR prior to final EIR
24 certification, the lead agency must issue a new notice and must recirculate the revised EIR, or
25 portions of the EIR, for additional commentary and consultation. (Pub. Resources Code § 21092.1;
26 CEQA Guidelines § 15088.5). Pursuant to the Guidelines, significant new information can include
27 “changes in the project or environmental setting as well as additional data or other information.,,
28 (CEQA Guidelines § 15088.5(a)). New information is significant where it “deprives the public of a

1 meaningful opportunity to comment upon a substantial adverse environmental effect of the project or
2 a feasible way to mitigate or avoid such an effect...., (*Id.*) “‘Significant new information’ requiring
3 recirculation includes, for example, a disclosure showing that: (1) A new significant environmental
4 impact would result from the project or from a new mitigation measure proposed to be implemented,
5 [or] (2) A substantial increase in the severity of an environmental impact would result unless
6 mitigation measures are adopted that reduce the impact to a level of insignificance....., (*Id.*)

7 63. While the courts review an EIR using an “abuse of discretion,, standard, “the reviewing court
8 is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its
9 position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’,, (*Berkeley*
10 *Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v.*
11 *Regents of University of Cal.*, 47 Cal. 3d 376, 391 409, fn. 12 (1988)).

12 **FIRST CAUSE OF ACTION**

13 **(Violations of CEQA; EIR Does Not Comply With CEQA)**

14 64. Petitioner hereby realleges and incorporates paragraphs 1 through 63, inclusive.

15 65. CEQA requires the lead agency for a project to prepare an EIR that complies with the
16 requirements of the statute. The lead agency also must provide for public review and comment on the
17 project and associated environmental documentation. An EIR must provide sufficient environmental
18 analysis such that decision-makers can intelligently consider environmental consequences when
19 acting on proposed projects.

20 66. Respondents violated CEQA by certifying an EIR for the Project that is inadequate and fails
21 to comply with CEQA. Among other things, Respondents:

22 a. Failed to adequately disclose or analyze the Project’s significant impacts on the
23 environment, including, but not limited to, the Project’s impacts on GHG emissions, biological
24 resources, and air pollution from construction and operation including emissions of NOx and
25 particulate matter;

26 b. Failed to adequately mitigate Project GHG emissions, air pollution, and traffic
27 impacts;

28 c. Failed to consider cumulative impacts associated with other proposed logistics

1 centers in the area and failed to revise and recirculate the EIR in response to significant new
2 information that occurred after the release of the Project's draft EIR regarding the newly proposed
3 MVLC project and its environmental impacts and, as a result, failed to analyze significant cumulative
4 impacts resulting from the Project and the proposed MVLC project, including greenhouse gas
5 emissions and traffic impacts;

6 d. Failed to analyze urban decay impacts resulting from the project.

7 67. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
8 certifying an EIR that does not comply with CEQA and by approving the Project in reliance thereon.
9 Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

10 SECOND CAUSE OF ACTION

11 (Violations of CEQA; Inadequate Findings)

12 68. Petitioner hereby realleges and incorporates paragraphs 1 through 67, inclusive.

13 69. CEQA requires that a lead agency's findings for the approval of a project be supported by
14 substantial evidence in the administrative record. CEQA further requires that a lead agency provide
15 an explanation of how evidence in the record supports the conclusions it has reached.

16 70. Respondents violated CEQA by adopting findings that are inadequate as a matter of law in
17 that they are not supported by substantial evidence in the record, including, but not limited to, the
18 following:

19 a. The determination that the Project's greenhouse gas impacts would be less than
20 significant and/or that adopted mitigation measures would avoid or lessen the Project's
21 significant effects on the environment, without any consideration of "capped,"
22 emissions;

23 b. The determination that the Project's air quality impacts would be less than
24 significant with the adoption of mitigation measures requiring all diesel trucks
25 accessing the project to use new technology diesel exhaust;

26 c. The determination that the Project will not have significant impact on sensitive
27 species, especially the burrowing owl, based on improper and unscientific assessments
28

1 of species' presence in the Project site.

2 d. The determination that the Project will not have significant urban decay
3 impacts without providing any evidence in support.

4 c. The adoption of a statement of overriding considerations with respect to the
5 Project's significant impacts from operational and construction air emissions, without
6 analyzing and mandating all feasible mitigation measures; and

7 d. The adoption of a statement of overriding considerations with respect to the
8 Project's significant impacts from operational and construction air emissions while
9 including a number of mitigation measures that are discretionary and unenforceable.

10 71. As a result of the foregoing defects, Respondents prejudicially abused their discretion by
11 making determinations or adopting findings that do not comply with the requirements of CEQA and
12 approving the Project in reliance thereon. Accordingly, Respondents' certification of the EIR and
13 approval of the Project must be set aside.

14 **THIRD CAUSE OF ACTION**

15 **(Injunctive and Declaratory Relief Against Respondents and Real Parties in Interest)**

16 72. Petitioner hereby realleges and incorporates paragraphs 1 through 71, inclusive.

17 73. Petitioner has no plain, speedy, or adequate remedy at law. Unless enjoined, Respondents and
18 Real Parties will implement the Project despite their lack of compliance with CEQA. Petitioner will
19 suffer irreparable harm by Respondents' failure to take the required steps to protect the environment
20 and Real Parties' initiation of construction of the Project. Declaratory relief is appropriate under Code
21 of Civil Procedure § 1060, injunctive relief is appropriate under Code of Civil Procedure § 525 *et seq.*
22 and a writ of mandate is appropriate under Code of Civil Procedure § 1085 *et seq.* and 1094.5 *et seq.*
23 and under Public Resources Code § 21168.9, to prevent irreparable harm to the environment.

24 WHEREFORE, Petitioner prays for judgment as hereinafter set forth.

25 **PRAYER**

26 WHEREFORE, petitioner prays for the following relief:

27 1. For a stay of Respondents' decisions certifying the EIR and approving the Project
28 pending trial.

1 2. For a temporary restraining order and preliminary injunction restraining Respondents
2 and Real Parties in Interest from taking any actions to initiate construction of the Project relying in
3 whole or in part upon the EIR and Project approvals pending trial.

4 3. For a peremptory writ of mandate, permanent injunction and declaratory relief
5 directing:

- 6 a. Respondents to vacate and set aside their certification of the EIR for the
7 Project and the decisions approving the Project and accompanying General
8 Plan amendments and zoning changes.
- 9 b. Respondents to suspend all activity under the certification of the EIR and
10 approval of the Project that could result in any change or alteration to the
11 physical environment until Respondents have taken actions that may be
12 necessary to bring the certification and Project approvals into compliance with
13 CEQA.
- 14 c. Respondents to prepare, circulate, and consider a new and legally adequate
15 EIR and otherwise to comply with CEQA in any subsequent action taken to
16 approve the Project.

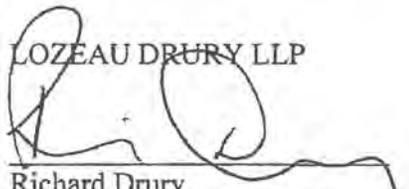
17 4. For its costs of suit.

18 5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any
19 other applicable provisions of law or equity.

20 6. For other equitable or legal relief that the Court considers just and proper.

21
22 Dated: September 22, 2015

LOZEAU DRURY LLP


Richard Drury
Attorney for LIUNA Local Union No. 1184

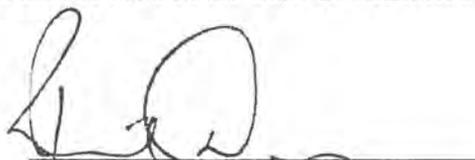
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VERIFICATION

I, Richard Drury, am an attorney for Petitioner Laborers International Union of North America, Local Union 1184 in this action. I am verifying this Petition pursuant to California Code of Civil Procedure section 446. Petitioner is located outside of the County of Alameda, where I have my office. I have read the foregoing Petition. I am informed and believe that the matters in it are true and on that ground allege that the matters stated in the Petition are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: September 22, 2015



Richard Drury
Attorney for Petitioner

EXHIBIT A



T 510.838.4200
F 510.838.4205

810 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
michael@lozeaudrury.com

By U.S. Mail and E-mail

September 9, 2015

City of Moreno Valley
Mayor Jesse L. Molina and City Council
C/o City Clerk Jane Halstead
Moreno Valley City Hall
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Email: CityClerk@moval.org

**RE: Notice of Intent to File Suit Under the California Environmental Quality Act
Regarding the Certification of the Final Environmental Impact Report for
World Logistics Center Project (SCH # 2012021045)**

Dear Mayor Molina and City Clerk Halstead:

I am writing on behalf of Laborers' International Union of North America, Local Union 1184 ("LIUNA") and its members living in and around the City of Moreno Valley ("Petitioners"), regarding the World Logistics Center Project.

Please take notice, pursuant to Public Resources Code ("PRC") § 21167.5, that Petitioners intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") under the provisions of the California Environmental Quality Act ("CEQA"), PRC § 21000 et seq., against Respondents and Defendants City of Moreno Valley and City Council of Moreno Valley (collectively, "City"), in the Superior Court for the County of Riverside, challenging the August 19, 2015 certification of the FEIR and adoption of related CEQA findings for the Project by Respondents on the grounds that the EIR does not comply with CEQA in that it fails to adequately analyze and mitigate significant environmental impacts, and that the City's CEQA findings are not supported by substantial evidence in the record.

The petition being filed will seek the following relief:

1. For a stay of Respondents' decisions certifying the EIR and approving the Project pending trial.

2. For a temporary restraining order and preliminary injunction restraining Respondents and Real Parties in Interest from taking any actions to initiate construction of the Project relying in whole or in part upon the EIR and Project approvals pending trial.

3. For a peremptory writ of mandate, permanent injunction and declaratory relief directing:

- a. Respondents to vacate and set aside their certification of the EIR for the Project and the decisions approving the Project and accompanying General Plan amendments and zoning changes.
- b. Respondents and Real Parties in Interest to suspend all activity under the certification of the EIR and approval of the Project that could result in any change or alteration to the physical environment until Respondents have taken actions that may be necessary to bring the certification and Project approvals into compliance with CEQA.
- c. Respondents to prepare, circulate, and consider a new and legally adequate EIR and otherwise to comply with CEQA in any subsequent action taken to approve the Project.

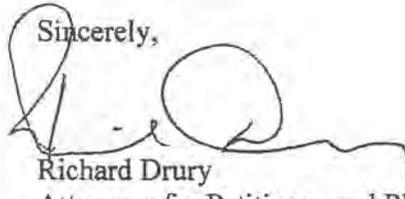
4. For its costs of suit.

5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.

6. For other equitable or legal relief that the Court considers just and proper.

Petitioners urge Respondents to rescind their certification of the FEIR and related CEQA findings for the Project, to conduct the appropriate environmental review, and to prepare the appropriate CEQA document for the Project as required by law.

Sincerely,



Richard Drury
Attorneys for Petitioner and Plaintiff Laborers'
International Union of North America, Local Union
1184

cc: Interim City Attorney Steve Quintanilla

PROOF OF SERVICE

I, Theresa Rettinghouse, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, California, 94607.

On September 9, 2015, I served a copy of the foregoing document entitled:

Notice of Intent to File Suit Under the California Environmental Quality Act Regarding the Certification of the Final Environmental Impact Report for the World Logistics Center Project (SCH # 2012021045)

on the following parties:

City of Moreno Valley
Mayor Jesse L. Molina and City Council
City Clerk Jane Halstead
Interim City Attorney Steve Quintanila
Moreno Valley City Hall
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Email: CityClerk@moval.org

<input checked="" type="checkbox"/>	BY MAIL. By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.
<input checked="" type="checkbox"/>	BY EMAIL. By emailing the document to the City Clerk.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed September 9, 2015 at Oakland, California.



Theresa Rettinghouse

EXHIBIT B

CITY CLERK
MORENO VALLEY
RECEIVED

15 SEP 23 PM 4: 51

1 Michael R. Lozeau (Cal. Bar No. 142893)
2 Richard T. Drury (Cal. Bar No. 163559)
3 LOZEAU | DRURY LLP
4 410 12th Street, Suite 250
5 Oakland, CA 94607
6 Tel: (510) 836-4200
7 Fax: (510) 836-4205
8 E-mail: michael@lozeaudrury.com
9 richard@lozeaudrury.com

10 Attorneys for Petitioners

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF RIVERSIDE

13 LABORERS INTERNATIONAL UNION OF
14 NORTH AMERICA, LOCAL UNION NO.
15 1184, an organized labor union,

16 Petitioner,

17 v.

18 CITY OF MORENO VALLEY, a municipality;
19 CITY COUNCIL OF THE CITY OF MORENO
20 VALLEY, and MORENO VALLEY
21 COMMUNITY SERVICES DISTRICT, a
22 dependent special district of the City of Moreno
23 Valley,

24 Respondents and Defendants;

CASE NO.: RIC1511279

**PETITIONERS' NOTICE OF INTENT
TO PREPARE ADMINISTRATIVE
RECORD**

(California Environmental Quality Act
("CEQA"), Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure §§ 1094.5, 1085)

Dept: CEQA Case

25 HIGHLAND FAIRVIEW; HF PROPERTIES, a
26 California general partnership, SUNNYMEAD
27 PROPERTIES, a Delaware general partnership;
28 THEODORE PROPERTIES PARTNERS, a
Delaware general partnership; 13451
THEODORE LLC, a California limited liability
company; HL PROPERTY PARTNERS, a
Delaware general partnership; HIGHLAND
FAIRVIEW OPERATING CO., a Delaware
general partnership; HIGHLAND FAIRVIEW
PROPERTIES, a California limited liability
company; HIGHLAND FAIRVIEW
COMMUNITIES, a Delaware limited liability
company; HIGHLAND FAIRVIEW
CONSTRUCTION, INC., a California

1 corporation; and HIGHLAND FAIRVIEW
2 CORPORATE PARK ASSOCIATION, a
3 California corporation,

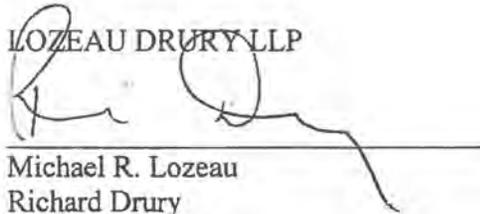
4 Real Parties in Interest and
5 Defendants..

6 Pursuant to Public Resources Code § 21167(b)(2), Petitioners LABORERS'
7 INTERNATIONAL UNION OF NORTH AMERICA LOCAL UNION NO. 1184, an organized
8 labor union ("Petitioners") hereby notify all parties that Petitioners elect to prepare the
9 administrative record relating to the above-captioned action relating to certification of the EIR for
10 and approval of the World Logistics Center Project by Respondents CITY OF MORENO
11 VALLEY, a municipality; CITY COUNCIL OF THE CITY OF MORENO VALLEY, and
12 MORENO VALLEY COMMUNITY SERVICES DISTRICT, a dependent special district of the
13 City of Moreno Valley ("Respondents").

14 Respondents and Real Parties in Interest are directed not to prepare the administrative record
15 for this action and not to expend any resources to prepare said administrative record.

16 September 22, 2015

17 LOZEAU DRURY LLP

18 
19 Michael R. Lozeau
20 Richard Drury

21 Attorneys for Petitioners
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PROOF OF SERVICE

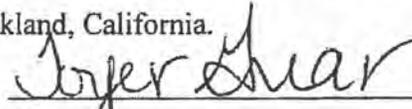
I, Toyer Gear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, CA 94607.

On September 23, 2015 I served the **PETITIONERS' NOTICE OF INTENT TO PREPARE ADMINISTRATIVE RECORD** by placing a true copy thereof in an envelope, sealing, and placing it for collection and mailing following ordinary business practices addressed as follows:

Office of the Attorney General 1300 "P" Street Sacramento, CA 95814-2919	
--------------------------------------------------------------------------------	--

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed September 23, 2015 at Oakland, California.



Toyer Gear

EXHIBIT C

CITY CLERK
MORENO VALLEY
RECEIVED

15 SEP 23 PM 4: 51

1 Michael R. Lozeau (Cal. Bar No. 142893)
2 Richard T. Drury (Cal. Bar No. 163559)
3 LOZEAU | DRURY LLP
4 410 12th Street, Suite 250
5 Oakland, CA 94607
6 Tel: (510) 836-4200
7 Fax: (510) 836-4205
8 E-mail: michael@lozeaudrury.com
9 richard@lozeaudrury.com

10 Attorneys for Petitioners

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF RIVERSIDE

13 LABORERS INTERNATIONAL UNION OF
14 NORTH AMERICA, LOCAL UNION NO.
15 1184, an organized labor union,

16 Petitioner,

17 v.

18 CITY OF MORENO VALLEY, a municipality;
19 CITY COUNCIL OF THE CITY OF MORENO
20 VALLEY, and MORENO VALLEY
21 COMMUNITY SERVICES DISTRICT, a
22 dependent special district of the City of Moreno
23 Valley,

24 Respondents and Defendants;

CASE NO.: RIC1511279

**NOTICE TO ATTORNEY GENERAL -
VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(California Environmental Quality Act
("CEQA"), Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure §§ 1094.5, 1085)

Dept: CEQA Case

25 HIGHLAND FAIRVIEW; HF PROPERTIES, a
26 California general partnership, SUNNYMEAD
27 PROPERTIES, a Delaware general partnership;
28 THEODORE PROPERTIES PARTNERS, a
Delaware general partnership; 13451
THEODORE LLC, a California limited liability
company; HL PROPERTY PARTNERS, a
Delaware general partnership; HIGHLAND
FAIRVIEW OPERATING CO., a Delaware
general partnership; HIGHLAND FAIRVIEW
PROPERTIES, a California limited liability
company; HIGHLAND FAIRVIEW
COMMUNITIES, a Delaware limited liability
company; HIGHLAND FAIRVIEW
CONSTRUCTION, INC., a California

1 corporation; and HIGHLAND FAIRVIEW
2 CORPORATE PARK ASSOCIATION, a
3 California corporation,

4 Real Parties in Interest and
5 Defendants.

6 To the Attorney General of the State of California:

7 1. PLEASE TAKE NOTICE, pursuant to Public Resources Code § 21167.7 and Code
8 of Civil Procedure § 388, that on September 21, 2015, Petitioner LABORERS' INTERNATIONAL
9 UNION OF NORTH AMERICA LOCAL UNION NO. 1184 ("Petitioner") filed a Verified Petition
10 for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") against
11 Respondents CITY OF MORENO VALLEY, CITY COUNCIL OF THE CITY OF MORENO
12 VALLEY, and MORENO VALLEY COMMUNITY SERVICES DISTRICT ("Respondents") and
13 Real Parties in Interest HIGHLAND FAIRVIEW; HF PROPERTIES, a California general
14 partnership, SUNNYMEAD PROPERTIES, a Delaware general partnership; THEODORE
15 PROPERTIES PARTNERS, a Delaware general partnership; 13451 THEODORE LLC, a
16 California limited liability company; HL PROPERTY PARTNERS, a Delaware general
17 partnership; HIGHLAND FAIRVIEW OPERATING CO., a Delaware general partnership;
18 HIGHLAND FAIRVIEW PROPERTIES, a California limited liability company; HIGHLAND
19 FAIRVIEW COMMUNITIES, a Delaware limited liability company; HIGHLAND FAIRVIEW
20 CONSTRUCTION, INC., a California corporation; and HIGHLAND FAIRVIEW CORPORATE
21 PARK ASSOCIATION, a California corporation in Riverside County Superior Court.

22 The Petition alleges, *inter alia*, violations of the California Environmental Quality Act
23 ("CEQA"), Public Resources Code § 21000 et seq., in connection with Respondents' certification of
24 the Environmental Impact Report ("EIR") for the World Logistics Center Project. A copy of the
25 Petition is attached to this Notice.

26 September 22, 2015

27 LOZEAU DRURY LLP

28 
Richard Drury
Attorneys for Petitioner

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PROOF OF SERVICE

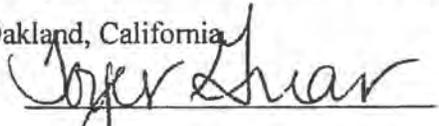
I, Toyer Grear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, CA 94607.

On September 23, 2015 I served the **NOTICE TO ATTORNEY GENERAL - VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** by placing a true copy thereof in an envelope, sealing, and placing it for collection and mailing following ordinary business practices addressed as follows:

Office of the Attorney General 1300 "I" Street Sacramento, CA 95814-2919	
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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed September 23, 2015 at Oakland, California.


Toyer Grear

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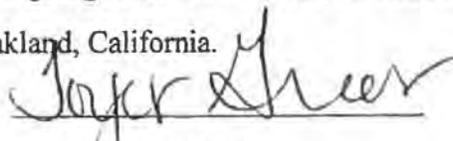
I, Toyer Grear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, CA 94607.

On September 23, 2015 I served the **VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** by placing a true copy thereof in an envelope, sealing, and placing it for collection and mailing following ordinary business practices addressed as follows:

Office of the Attorney General 1300 "I" Street Sacramento, CA 95814-2919	
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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed September 23, 2015 at Oakland, California.


Toyer Grear

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- BANNING** 135 N. Alessandro Rd., Banning, CA 92220
- BLYTHE** 265 N. Broadway, Blythe, CA 92225
- HEMET** 880 N. State St., Hemet, CA 92543
- MORENO VALLEY** 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553

- MURRIETA** 30755-D Auld Rd., Suite 1226, Murrieta, CA 92563
- PALM SPRINGS** 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262
- RIVERSIDE** 4050 Main St., Riverside, CA 92501
- TEMECULA** 41002 County Center Dr., #100, Temecula, CA 92591

RI-030

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)</small> Michael R. Lozeau (CBN 142893) / Richard T. Drury (CBN 142893) Lozeau Drury LLP 410 12th Street, Suite 250 Oakland, CA 94607</p> <p>TELEPHONE NO: 510-836-4200 FAX NO (Optional): 510-836-4205 E-MAIL ADDRESS (Optional): michael@lozeaudrury.com / richard@lozeaudrury.com ATTORNEY FOR (Name): Petitioners and Plaintiffs</p> <hr/> <p align="center">PLAINTIFF/PETITIONER: Laborers International Union of North America</p> <hr/> <p align="center">DEFENDANT/RESPONDENT: City of Moreno Valley, et al</p>	<p align="center"><small>FOR COURT USE ONLY</small></p> <p align="center">FILED</p> <p align="center">Superior Court Of California County Of Riverside 09/22/2015 A.RANGEL BY FAX</p> <hr/> <p align="center">CASE NUMBER: RIC1511279</p>
CERTIFICATE OF COUNSEL	

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

- The action arose in the zip code of: 92553
- The action concerns real property located in the zip code of: _____
- The Defendant resides in the zip code of: _____

For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at www.riverside.courts.ca.gov.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date September 21, 2015

Richard T. Drury
(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

(SIGNATURE)

CITY CLERK
MORENO VALLEY
RECEIVED

15 SEP 23 PM 4: 51

1 Michael R. Lozeau (Cal. Bar No. 142893)
2 Richard T. Drury (Cal. Bar No. 163559)
3 LOZEAU | DRURY LLP
4 410 12th Street, Suite 250
5 Oakland, CA 94607
6 Tel: (510) 836-4200
7 Fax: (510) 836-4205
8 E-mail: michael@lozeaudrury.com
9 richard@lozeaudrury.com

10 Attorneys for Petitioners

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF RIVERSIDE

13 LABORERS INTERNATIONAL UNION OF
14 NORTH AMERICA, LOCAL UNION NO.
15 1184, an organized labor union,

16 Petitioner,

17 v.

18 CITY OF MORENO VALLEY, a municipality;
19 CITY COUNCIL OF THE CITY OF MORENO
20 VALLEY, and MORENO VALLEY
21 COMMUNITY SERVICES DISTRICT, a
22 dependent special district of the City of Moreno
23 Valley,

24 Respondents and Defendants;

CASE NO.: RIC1511279

**PETITIONERS' NOTICE OF INTENT
TO PREPARE ADMINISTRATIVE
RECORD**

(California Environmental Quality Act
("CEQA"), Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure §§ 1094.5, 1085)

Dept: CEQA Case

25 HIGHLAND FAIRVIEW; HF PROPERTIES, a
26 California general partnership; SUNNYMEAD
27 PROPERTIES, a Delaware general partnership;
28 THEODORE PROPERTIES PARTNERS, a
Delaware general partnership; 13451
THEODORE LLC, a California limited liability
company; HL PROPERTY PARTNERS, a
Delaware general partnership; HIGHLAND
FAIRVIEW OPERATING CO., a Delaware
general partnership; HIGHLAND FAIRVIEW
PROPERTIES, a California limited liability
company; HIGHLAND FAIRVIEW
COMMUNITIES, a Delaware limited liability
company; HIGHLAND FAIRVIEW
CONSTRUCTION, INC., a California

1 corporation; and HIGHLAND FAIRVIEW
2 CORPORATE PARK ASSOCIATION, a
California corporation,

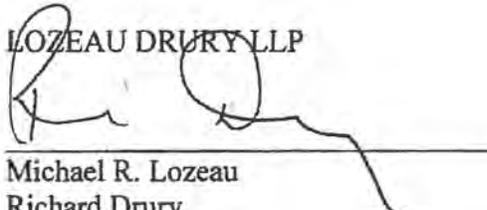
3 Real Parties in Interest and
4 Defendants..

5 Pursuant to Public Resources Code § 21167(b)(2), Petitioners LABORERS'
6 INTERNATIONAL UNION OF NORTH AMERICA LOCAL UNION NO. 1184, an organized
7 labor union ("Petitioners") hereby notify all parties that Petitioners elect to prepare the
8 administrative record relating to the above-captioned action relating to certification of the EIR for
9 and approval of the World Logistics Center Project by Respondents CITY OF MORENO
10 VALLEY, a municipality; CITY COUNCIL OF THE CITY OF MORENO VALLEY, and
11 MORENO VALLEY COMMUNITY SERVICES DISTRICT, a dependent special district of the
12 City of Moreno Valley ("Respondents").

13 Respondents and Real Parties in Interest are directed not to prepare the administrative record
14 for this action and not to expend any resources to prepare said administrative record.

15
16 September 22, 2015

17 LOZEAU DRURY LLP

18 
19 Michael R. Lozeau
20 Richard Drury
21 Attorneys for Petitioners
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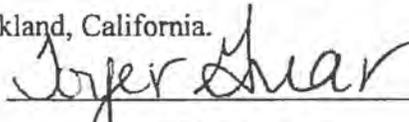
I, Toyer Grear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, CA 94607.

On September 23, 2015 I served the **PETITIONERS' NOTICE OF INTENT TO PREPARE ADMINISTRATIVE RECORD** by placing a true copy thereof in an envelope, sealing, and placing it for collection and mailing following ordinary business practices addressed as follows:

Office of the Attorney General 1300 "I" Street Sacramento, CA 95814-2919	
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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed September 23, 2015 at Oakland, California.


Toyer Grear

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6 Tel: (510) 836-4200
7 Fax: (510) 836-4205
8 E-mail: michael@lozeaudrury.com
9 richard@lozeaudrury.com

10 Attorneys for Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

11 LABORERS INTERNATIONAL UNION OF
12 NORTH AMERICA, LOCAL UNION NO.
13 1184, an organized labor union,

14 Petitioner,

15 v.

16 CITY OF MORENO VALLEY, a municipality;
17 CITY COUNCIL OF THE CITY OF MORENO
18 VALLEY, and MORENO VALLEY
19 COMMUNITY SERVICES DISTRICT, a
20 dependent special district of the City of Moreno
21 Valley,

22 Respondents and Defendants;

CASE NO.: RIC1511279

**NOTICE TO ATTORNEY GENERAL -
VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(California Environmental Quality Act
("CEQA"), Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure §§ 1094.5, 1085)

Dept: CEQA Case

23 HIGHLAND FAIRVIEW; HF PROPERTIES, a
24 California general partnership; SUNNYMEAD
25 PROPERTIES, a Delaware general partnership;
26 THEODORE PROPERTIES PARTNERS, a
27 Delaware general partnership; 13451
28 THEODORE LLC, a California limited liability
company; HL PROPERTY PARTNERS, a
Delaware general partnership; HIGHLAND
FAIRVIEW OPERATING CO., a Delaware
general partnership; HIGHLAND FAIRVIEW
PROPERTIES, a California limited liability
company; HIGHLAND FAIRVIEW
COMMUNITIES, a Delaware limited liability
company; HIGHLAND FAIRVIEW
CONSTRUCTION, INC., a California

1 corporation; and HIGHLAND FAIRVIEW
2 CORPORATE PARK ASSOCIATION, a
3 California corporation,

4 Real Parties in Interest and
5 Defendants.

6 To the Attorney General of the State of California:

7 1. PLEASE TAKE NOTICE, pursuant to Public Resources Code § 21167.7 and Code
8 of Civil Procedure § 388, that on September 21, 2015, Petitioner LABORERS' INTERNATIONAL
9 UNION OF NORTH AMERICA LOCAL UNION NO. 1184 ("Petitioner") filed a Verified Petition
10 for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") against
11 Respondents CITY OF MORENO VALLEY, CITY COUNCIL OF THE CITY OF MORENO
12 VALLEY, and MORENO VALLEY COMMUNITY SERVICES DISTRICT ("Respondents") and
13 Real Parties in Interest HIGHLAND FAIRVIEW; HF PROPERTIES, a California general
14 partnership, SUNNYMEAD PROPERTIES, a Delaware general partnership; THEODORE
15 PROPERTIES PARTNERS, a Delaware general partnership; 13451 THEODORE LLC, a
16 California limited liability company; HL PROPERTY PARTNERS, a Delaware general
17 partnership; HIGHLAND FAIRVIEW OPERATING CO., a Delaware general partnership;
18 HIGHLAND FAIRVIEW PROPERTIES, a California limited liability company; HIGHLAND
19 FAIRVIEW COMMUNITIES, a Delaware limited liability company; HIGHLAND FAIRVIEW
20 CONSTRUCTION, INC., a California corporation; and HIGHLAND FAIRVIEW CORPORATE
21 PARK ASSOCIATION, a California corporation in Riverside County Superior Court.

22 The Petition alleges, *inter alia*, violations of the California Environmental Quality Act
23 ("CEQA"), Public Resources Code § 21000 et seq., in connection with Respondents' certification of
24 the Environmental Impact Report ("EIR") for the World Logistics Center Project. A copy of the
25 Petition is attached to this Notice.

26 September 22, 2015

LOZEAU DRURY LLP



Richard Drury
Attorneys for Petitioner

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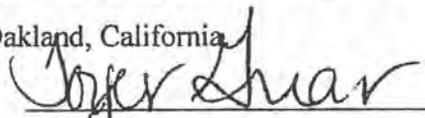
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Toyer Grear